

REORGANISATION
OF
MAHARASHTRA ADMINISTRATION

REPORT

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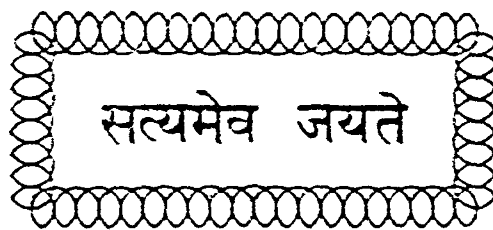
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COMMISSIONER (ADMINISTRATIVE REORGANISATION)
GOVERNMENT OF MAHARASHTRA

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REORGANISATION OF MAHARASHTRA ADMINISTRATION

VOLUME I

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PART I

INTRODUCTORY

CHAPTER 1

THE NATURE AND SCOPE OF THE ENQUIRY

The Appointment of Commissioner (Administrative Reorganisation)

1.1. The Government of Maharashtra by its orders in Government Resolution, General Administration Department, No. EST-1268 (Officers)-K, dated the 12th June 1968, decided to institute an enquiry into the reorganisation and rationalisation of administration. The objectives of the enquiry were three-fold:

(i) to establish the minimum staff necessary to carry out the assigned tasks and responsibilities efficiently and effectively,

(ii) to assess the excess or surplus in the existing staff/strength in relation to the established minimum; and

(iii) to recommend how the administrative machine could be reduced to the minimum size, consistent with efficiency and effectiveness, without causing undue personal hardship.

A copy of this Government Resolution is given in Appendix 1. By these orders the enquiry was confined to Government Departments.

1.2. The enquiry was entrusted to Commissioner (Administrative Reorganisation), a post which was created subsequently by the orders in Government Resolution, General Administration Department, No. EST-1268 (Officers)-K, dated the 3rd July 1968. I was appointed to this post and took charge of it on the 1st August 1968.

A Preliminary Survey

1.3. As Lord Hewart has observed, it is not always easy to answer a simple and prosaic question like "Oh! What's the matter? What's the matter?". Therefore, on assuming charge, I made a preliminary survey to assess the scope of the enquiry. Inevitably the survey involved a stock-taking of what had been done in this sphere earlier. While taking into account the several very valuable reports on Administrative Reorganisation or Reforms of Committees and Commissions appointed elsewhere, it was found that subst w

had already been done in this direction in this very State. In the early thirties, a comprehensive survey had been made by the Thomas Committee appointed under the Chairmanship of Mr. G. A. Thomas, a senior official of the old Bombay Government. The bulk of the recommendations of this Committee were duly implemented. With the establishment of Democratic Administration after the second World War, the Bombay Government appointed a Committee called "The Administrative Enquiry Committee" in 1946. Initially, Dr. Jivraj Mehta was appointed as Chairman of this Committee. In the later stages, the late Shri D. G. Karve succeeded Dr. Mehta as Chairman. Its other Members were Shri S. B. Tyabji, I.S.E. (Retired) and Sir Ivon Taunton, Chief Secretary to Government. Shri J. Santos, Financial Adviser to Government, was the Member-Secretary. Later, Shri Santos was relieved of his duties as Secretary by Shri M. R. Yardi, who was appointed full-time Secretary of the Committee, Shri Santos continuing as Member. The Committee could well speak with authority and command respect. The Report of this Committee, which is indeed a very valuable document and which has considered all the facets of administration, was submitted to Government in 1948. The recommendations of this Committee were carefully considered by Government, the consideration itself being spread over several years. A digest of the Government decisions on these recommendations has been published in 1962.

1.4. In 1950, the then Bombay Government appointed Shri K. P. Mathrani as Officer on Special Duty (Retrenchment), Finance Department. The main purpose of this appointment was, to quote Shri Mathrani, "to investigate forthwith the scope for reorganisation of the existing structure of departments with a view to greater economy, reduction of work or elimination of unnecessary work and removal of surplus staff on the basis of the work and duties which the staff is called upon to perform". Shri Mathrani carried out a comprehensive investigation in a large number of Offices and in all Departments and submitted, in addition to his main report, about 109 supplementary reports on various Departments and Offices. In the course of his report, Shri Mathrani also suggested norms for staff of different categories in relation to workload in most of the Departments. As far as I am aware, the standard units suggested by Shri Mathrani have been accepted and ever since Shri Mathrani's report became available to Government, these standard units have been closely adhered to by the Finance Department in its scrutiny of any proposals for sanction of extra staff. It may not be incorrect to say that in the Departments for which these standard units have been prescribed by Shri Mathrani, it was not

realistic or practical to expect any increase in staff which failed to conform to these standards.

1.5. In 1957, Government in Government Resolution, Political and Services Department, No. MRS. 1057-J, dated the 10th October 1957, ordered a searching examination into the system of work in mofussil revenue offices and entrusted this enquiry to Shri M. G. Pimputkar. Shri Pimputkar submitted his report in November 1958. The report with the comments thereon of Shri V. T. Dehejia, then Special Secretary, was carefully considered by Government and orders passed in Government Resolution, Revenue Department, No. EST. 61/44144-F, dated the 5th October 1961, fixing the workload in revenue offices and yardsticks for sanctioning staff on the basis of Shri Pimputkar's recommendations.

1.6. About the same time Shri K. V. Joglekar, then Superintending Engineer, Public Works Department (who recently retired as Chief Engineer) was appointed by Government to review the set-up of the Public Works Department organisation and to make recommendations in respect of the adoption of the standard units of staff in the various Public Works Department offices in the new component areas of the Bombay State. Shri Joglekar submitted his report to the Chief Engineer in November 1958. The final orders of Government on this report, it seems, have not yet been issued. Government in the Irrigation and Power Department, on the advice of the Finance Department, referred the report to the Administrative Reorganisation Committee which had been appointed in 1962. The latter Committee did not consider it necessary to look into Shri Joglekar's report as it thought that the proposals which concerned strength of staff in the light of workload were a matter to be settled by the Administrative Department in consultation with the Finance Department in the ordinary course. This proved, however, to be a counsel of perfection. The report continued to be tossed to and fro between the Finance Department and the Administrative Department until it was passed on to the Commissioner for Administrative Reorganisation, when the Finance Department, on his appointment, suggested that the Commissioner ought to look into the report and make his recommendations.

1.7. An Organisation and Methods Section was started in the old Political and Services Department of the Bombay Government in September 1954. In 1960, special work study units were organized under the Organisation and Methods Section for the purpose of carrying out detailed studies of the methods of work and for suggesting improvements, in short, for rationalising the work in

Government offices and suggesting ways and means for securi optimum efficiency with the minimum of staff. Initially there we three Work Study Units each under an Under Secretary. A four Unit was added in March 1963. A list of the various Offices a Departments examined by these Work Study Units in respect which reports were submitted to Government is shown in Appendix

1.8. In June 1962, Shri V. M. Joshi was appointed Special Sec tary (Reorganisation), General Administration Department, reorganisation of Government Offices consequent on democra decentralisation. As observed by Shri Joshi, "the main purpose this enquiry was to ascertain what staff had become surplus a therefore, required to be retrenched in the Departments affected Democratic Decentralisation". Shri Joshi's proposals, as stated his report, resulted in a saving of Rs. 25½ lakhs per year. Orde resulting in a saving of Rs. 18 lakhs per year had already been imp mented as stated in the report. Of the remaining proposals, so were not accepted.

1.9. The Inspector General of Police appointed, with the previc sanction of the State Government, a Committee of five senior Pol Officers in February 1958 to inquire into and report on the wa and means of reducing scriptory work in the various Police Offic after studying the system prevailing in the new regions of Vidarb Marathwada, Saurashtra and Kutch, to suggest yardsticks for cleri strength in the various Police Offices and to make such other reco mendations as the Committee considered necessary. (The Co mittee's report submitted in 1960 has been printed for official only and is treated as a confidential document). The Committee made several suggestions for avoiding unnecessary scriptory work Police Offices. It has also recommended yardsticks for different ty of clerical work such as disposal of applications, licences e Scrutiny of the Committee's report is, however, stated to have be held in abeyance pending more detailed studies of the working Police Offices in the different regions of the State.

1.10. Towards the end of 1958, a Committee known as the Pol Man Power Committee was appointed by the Inspector General Police, with the concurrence of Government, to evolve suitable ya sticks for manning Police Stations, outposts, etc., and to bring abo a rational and equitable distribution of man power in the Pol Force. The Committee consisted of five senior Police Officers. Und Government Resolution, Home Department, No. PRS. 5359/57- dated the 23rd January 1960, Government accepted the yardstic

proposed by the Man Power Committee, subject to certain modifications suggested by the Inspector General of Police and sanctioned a reorganisation of the Police Force in the State.

1.11. The Government of Maharashtra appointed a Commission known as "The Maharashtra State Police Commission" in 1962, to investigate into and report on the several aspects of the Police Administration in the State. The Commission submitted its report on the 30th May 1964. A summary of the recommendations of the Police Commission was also published in 1964. The Police Commission has expressed satisfaction with the yardsticks recommended by the Man Power Committee and the strength of Police Stations reorganised in the light of the yardsticks.

1.12. Government appointed an Expert Committee under the Chairmanship of General K. M. Cariappa in November 1961 to evaluate the work of the Home Guards Organisation in the State. The Committee was requested, *inter alia,* to offer suggestions regarding improvement in the matter of recruitment, training and organisation of the Home Guards. The Committee submitted its Report in January 1962. Some of the recommendations of the Committee have been accepted by Government and others are under consideration.

1.13. Government in the Urban Development, Public Health and Housing Department, by Government Resolution, No. PHM-1063/68865/V, dated the 27th November 1963, appointed a Sub-Committee for fixing the standards for hospital buildings, personnel, equipment, diet and drugs etc. in our hospitals The Urban Development, Public Health and Housing Department is still examining the effect of the proposals of this Sub-Committee on the institutions concerned and the financial consequences thereof. There are also two other reports, one of the Sassoon Hospitals Enquiry Committee in 1961 under the Chairmanship of Dr. J. K. Adranwala, Retired Director of Public Health and another of the Haffkine Institute Reorganisation Committee under the Chairmanship of Shri A. U. Shaikh, then Additional Development Commissioner. In addition, there are two very valuable reports of the Government of India on Health Administration, one called, "The Report of the Health Survey and Development Committee", known as the Bhore Report and another of the Health Survey and Planning Committee known as the Mudaliar Report. Both these reports contain detailed patterns for the medical and public health staff at different levels.

1.14. A comprehensive enquiry into the working of the Directorate of Publicity was made by Shri P. G. Salvi, then De Se ry.

General Administration Department, who submitted a report on the reorganisation of the Directorate of Publicity in 1964.

1.15. The Irrigation Commission's Report, 1962, has also made suggestions regarding organisational matters conducive to speed and economy in the construction of irrigation projects.

1.16. With regard to Agricultural Administration, the matter was inquired into by an All India Committee, called the Agricultural Administration Committee. The report is referred to as the 'Nalagarh Report'. The recommendations of this Committee were considered by Government and suitable orders issued on the proposals for reorganisation contained therein.

1.17. As for Co-operation, Government of India in the Ministry of Community Development and Co-operation set up a Committee under the Chairmanship of Shri Vaikunthlal Mehta. The terms of reference of this Committee, *inter alia,* included :

(*a*) to review the existing departmental set-up in the various States and to suggest the broad lines for determining the strength of departmental staff at various levels, namely, at headquarters, divisional, district and lower levels;

(*b*) to make recommendations regarding the special staff required to be provided at various levels to deal with special items of work, like co-operative farming, co-operative marketing, processing, industrial societies and other types of societies;

(*c*) to make recommendations regarding the criteria for determining the strength of the audit staff at various levels;

(*d*) to suggest criteria for fixing the strength of supervisors whether employed by Government, Co-operative Unions or by financing banks as the case may be;

(*e*) to suggest measures necessary for ensuring adequate training to the staff at various levels; and

(*f*) to suggest broadly procedures for recruitment at various levels with a view to securing continuity of policies and programmes.

The Report of the Committee was published in 1963 and thereafter received detailed consideration of the Government of India in consultation with the State Governments.

1.18. In addition to all these various reports and orders, there is the report of the Administrative Reorganisation Committee. This was a high level Committee with Minister (Finance) as Chairman, two other Ministers, the Chief Secretary, General Thorat and

experts in administration from the private sector as also in the academic field and in Government. This Committee was appointed in 1962. The Committee in turn appointed various expert panels to examine in detail the working of several departments. The report of this Committee which is comprehensive was published in 1968 and placed before the Legislature on 15th July 1968, i.e., very shortly after the decision to institute the present enquiry. The scope of the Committee's Report has been dealt with in paragraphs 1.9 and 1.10 of its Report. In the former it mentions that it did not consider it necessary to study the activities of the Police Department and the Home Guards Organisation as these would come under study by the Police Commission and Home Guards Evaluation Committee and also the working of the District Revenue Administration in view of the detailed study contained in Shri Pimputkar's report. In the latter, it refers to 9 Offices and Departments in respect of which it had not made any specific recommendations because there were no problems peculiar to these Departments which needed special consideration by the Committee. Some of the problems raised by these Departments were of a general nature and common to all Departments and have been covered by the Committee's recommendations on the respective subjects. The Committee has also not dealt with a few smaller Departments and Offices such as Directorate of Languages, Aviation Adviser to Government, Registrar of Firms, Director of Small Savings, Examiner of Books and Publications, and Superintendent of Parks and Gardens. The combined activities of these Offices would form only a small part of the total activities of Government.

1.19. There is no reference to the report of the Administrative Reorganisation Committee in the Government Resolution instituting the present enquiry. Subsequent to the creation of the post of Commissioner (Administrative Reorganisation), but before I took over the appointment, Government also appointed an Officer on Special Duty and Secretary to Government in the General Administration Department, for implementing expeditiously the recommendations of the Administrative Reorganisation Committee. This Officer was relieved on the 7th May 1969 and the residuary work taken over by another Secretary to Government in the General Administration Department, in addition to his other duties.

1.20. Government by orders in Revenue and Forests Department Resolution No. TLC. 1068/5525/C (Unit), dated the 28th February 1968, appointed a Committee under the Chairmanship of Shri D. S. Desai, then Minister for Revenue, to go into the question of Reorganisation of the Revenue Administrative [illegible] in

State at all levels of administration, including Sazas, Talukas and Districts. The Committee has been constituted to make suitable recommendations, as such reorganisation would have very important and far-reaching effects from the point of view of administrative and public convenience. The recommendations of the Committee will enable Government to take final decisions. Shri S. B. Patil, the then Deputy Minister for Revenue, was appointed as Vice-Chairman of the Committee. Shri S. A. Solanke, Minister of State for Revenue, was later appointed Vice-Chairman in place of Shri S. B. Patil. The Committee now includes among others, 6 M.L.A.s, besides the Minister and the Minister of State, an M.L.C., 4 Divisional Commissioners and the Secretaries of the Finance Department and of the Revenue and Forests Department.

1.21. It is also well-known that a high level Administrative Reforms Commission was constituted by the Union Government and was functioning since January 1966. This Commission has appointed several panels to look into the different aspects of administration. The reports of the various panels and of the Commission on several topics have been published from time to time. The Commission submitted its final report to the Government of India in June 1970.

1.22. In addition, reports of the Administrative Reforms Committee appointed by the Government of Kerala under the Chairmanship of Shri E. M. S. Namboodiripad in 1958 and of the Administrative Reorganisation and Economy Committee appointed by the Governor of Kerala, while that State was under the Governor's Administration, under the Chairmanship of Shri M. K. Vellodi, as also the Reports of the two Administrative Reforms Committees appointed by the Government of Andhra Pradesh in 1960 and 1964 under the Chairmanship of Shri K. M. Unnithan and Shri N. Ramchandra Reddy respectively, have been published. These reports contain valuable recommendations on different aspects of administration.

Orders regarding Reduction in Establishment

1.23. Apart from the various reports and orders for reorganisation issued by Government from time to time in the field of economy, Government in the Finance Department has issued on different occasions since 1961 various orders enjoining economy in expenditure as well as reduction in establishment. These orders were issued in the context of the need to conserve resources for financing the Third Five-Year Plan (1961), in the wake of the Panshet disaster (1961), after the Chinese aggression (1962), after the conflict

with Pakistan (1965), and in subsequent years in the interests of economy. The following are the more important orders relating to establishment :

Year	*Reduction*
June 1961 ...	... 5% cut in establishment charges.
November 1962	... Ban on filling posts which have remained vacant for over 12 months.
September 1965	... No new posts in Class II, III and IV to be created except in connection with defence, civil supplies etc., and no sanction for any new posts to be given without the concurrence of the Expenditure Priorities Committee.
October 1965	... 7% cut in clerical and Class IV staff and 3% cut in supervisory clerical staff.
September 1966	... A freeze on recruitment of non-technical gazetted and non-gazetted personnel.
July 1967 ...	... Postponement of the creation of new posts included in the Additional Budget Estimates for 1967-68 by means of Section I New Items until further orders, except in exceptional circumstances (in the interest of law and order, civil supplies etc.). Exceptional cases were to be scrutinised by a Committee of Officers and put up to the Expenditure Priorities Committee.
September 1967	... Departments to refrain from making fresh proposals for creation of new posts during the current year (1967-68) unless these are required for maintenance of law and order, civil supplies etc. Any increase in work should be managed by redeployment of existing personnel, pending examination of the staff requirements of the various departments by the High Official proposed to be appointed by Government.

Growth in Expenditure on Establishment

1.24. The Government Resolution of the 12th June 1968 states that it is felt that the growth in administrative staff and expenditure has been much in excess of the increase in the governmental functions and responsibilities and the overall efficiency of the administrative machine has also deteriorated over the years. With regard to the growth in expenditure, on the basis of the data furnished by the Bureau of Economics and Statistics for the years 1961-62 to 1967-68, the expenditure on salaries and wages of Government servants on Revenue Account and its percentage to total expenditure are indicated in the following table:

Financial Year	Total expenditure on Revenue Account	Expenditure under Revenue Account on salaries and wages of Government servants	Percentage of figure in column 3 to that in column 2
1	2	3	4
	Rs. in lakhs	Rs. in lakhs	
1961–62 ..	1,26,27	40,17	31·81
1962–63 ..	1,46,38	36,67	25·05
1963–64 ..	1,68,58	40,98	24·31
1964–65 ..	2,03,52	48,55	23·85
1965–66 ..	2,41,12	53,11	22·03
1966–67 ..	2,83,84	66,28	23·35
1967–68 ..	3,11,17	76,78	24·67

1.25. The figures of expenditure on salaries and wages shown in column 3 do not include travelling allowance and permanent travelling allowance as well as the wages and salaries of about 3,000 employees paid from contingencies. The figures for 1962-63 and onwards also do not include the expenditure on the salaries of about 52,000 persons transferred to the Zilla Parishads on 1st May 1962.

1.26. The figures in columns 3 and 4 of the table preceding indicate that, though the percentage of expenditure under revenue account on salaries and wages has been fluctuating, it is more or less within 25% of the total expenditure on revenue account. The Study Team of the Administrative Reforms Commission on State Level Administration has observed in its report submitted to the Commission that " the expenditure on salaries and allowances of service personnel which has reached the peak of nearly 70% of

revenue expenditure in one of the States should be scaled down to one third of the State-revenue expenditure at the maximum by appropriate rationalisation of the number of departments and service personnel". The percentage of the expenditure on the staff to the total revenue expenditure in this State does not appear, *prima facie,* to be excessive.

1.27. With regard to the actual growth of expenditure it may be pointed out that, in the case of certain Plan Schemes, almost the entire cost of the schemes consists of expenditure on staff. Such schemes inflate the percentage of expenditure on staff. It has been estimated that so far as development expenditure is concerned, the revenue portion of the cost of Plan Schemes involves mostly expenditure on staff, which is generally 60 to 80 per cent. of the total cost, the remaining expenditure being accounted for by equipment. Secondly, the cost of certain Plan schemes is wholly borne by the Government of India initially but after some time the schemes constitute committed expenditure and the cost is debited to the State's revenue account. Thirdly, the increase in dearness allowance or other emoluments sanctioned from time to time results in increased expenditure on staff, the strength of staff remaining the same.

1.28. A study of the figures of expenditure for the years 1961-62 and 1966-67 indicates the following position:

(i) The increase in total revenue expenditure between the years 1961-62 and 1966-67 was about 125 per cent. The corresponding increase in total staff expenditure was about 75 per cent., but increase in expenditure on plan staff (committed level of expenditure) was over 300 per cent. The ratio of expenditure on staff to total revenue expenditure in fact fell during these five years mainly as a result of emergency cuts in staff strength and other economy measures following on the Chinese attack.

(ii) If we exclude Plan expenditure on staff for new schemes in the 3rd Plan, the expenditure on staff increased from Rs. 55 crores in 1961-62 to Rs. 68 crores in 1966-67. Of this, Rs. 10 crores were accounted for by increase in dearness allowance. The net increase in staff expenditure excluding dearness allowance was, therefore, Rs. 3 crores, i.e., less than 2 per cent. per year (accounted for by normal increments).

(iii) The committed expenditure on staff (i.e., expenditure on staff for Plan schemes of the previous Plan) increased from about Rs. 12 crores in 1961-62 to Rs. 38 crores in 1966-67, i.e., more than 300 per cent.

1.29. In the light of this position and also the economy orders issued by the Finance Department from time to time coupled with the strictest financial scrutiny to which the proposals for increase in staff are subjected by that Department in the light of prescribed yardsticks, it was a question as to how far any further enquiry for reorganising and rationalising the administration to establish the minimum staff necessary to carry out the assigned tasks and responsibilities efficiently and effectively would result necessarily in proposals for economy. On the contrary, a number of proposals for reorganisation and rationalisation made from time to time in reports of Work Study Units after detailed study of the workload and methods of work followed in several Departments and Offices had not been accepted by Government because they would have resulted in larger expenditure.

Scope for Enquiry

1.30. In this background, after assessing what had been done and was being done, I was assailed by serious doubts about the utility of a further searching enquiry by me into matters which had come for close scrutiny at the hands of either the Administrative Enquiry Committee of 1946, the Administrative Reorganisation Committee and its panels, the Police Commission and the various other expert bodies and experts referred to. To me it seemed that if my proposals would result in agreement with the proposals of the Administrative Reorganisation Committee and the other expert bodies and experts, they would be unnecessary. If, on the other hand, the proposals were in conflict, they might be held presumptuous. It could not have been the intention that the enquiry entrusted to me should cover afresh the field already covered by the Administrative Reorganisation Committee and its panels and the other expert bodies and experts. There was already an Organisation and Methods Division working in the General Administration Department with four Work Study Units. Perhaps, the field for reorganisation and rationalisation not covered by the various Committees, expert bodies and experts could appropriately have been tackled realistically by this Division. The doubts and anxieties which troubled me in the light of these considerations were placed by me before Government. I also solicited instructions as to whether it was open to me in suggesting optimum standard units and workload, to make suggestions which might necessarily result in increased expenditure, either from suggestions for strengthening the staff in particular departments and offices or from proposals for the organisation of work in such a way as to increase the load on the more senior officials which might require

a larger number of senior posts which would not be sufficiently compensated by a corresponding economy in the junior posts.

1.31. While Government have not issued any formal orders on the issues referred to by me earlier, certain guidelines for my work have been indicated in my discussions with the Chief Secretary and a discussion with the Minister (Finance) when the Chief Secretary, the Secretary, Finance Department and the Secretary and Additional Development Commissioner in the General Administration Department were also present. There was general agreement that ordinarily the yardsticks proposed by earlier Commissions, Committees and experts may be adhered to; in regard to workload it was considered that it might be examined whether the workload figures were unduly inflated by routine receipts. The Secretary, Finance Department observed in regard to yardsticks that to the extent that money values had risen and there was a fall in the value of the rupee, yardsticks previously expressed in terms of rupees could be suitably revised, which indeed was accepted as a truism. It was felt, however, that the main scope for the enquiry would be in regard to Development Departments where parallel machinery was existing or being created in the Zilla Parishad Organisation and in the State Sector. To enable rationalisation of the Developmental Administration in the Zilla Parishad as well as the State Sector, the terms of reference of the Commissioner (Administrative Reorganisation) were further amplified by orders in Government Resolution, General Administration Department, No. EST-1268 (Officers)/K, dated the 25th September 1968, by the addition of the following paragraph in the Government Resolution of the 12th June 1968:

"2(A). The Commissioner will also review the staffing patterns of the Zilla Parishads and the Panchayat Samitis and advise regarding their rationalisation on the same lines as for Government Offices."

1.32. Government also referred to the Commissioner in November 1968, two specific questions relating to the working of Zilla Parishads With reference to the recommendation No. 9.51 of the Administrative Reorganisation Committee, Government desired that the Commissioner might examine the scope for cutting short existing procedures for disposal of work at Zilla Parishad and Panchayat Samiti levels. The Commissioner was also asked to examine the reasons for the failure of the Gramsevak and the remedial action needed, in the light of recommendation No. 10.2 of the Administrative Reorganisation Committee. These questions will accordingly be [illegible]

when dealing with the organisation of the Zilla Parishad and the Panchayat Samiti and the role of the Gramsevak.

1.33. The Chief Minister in replying to a supplementary question by Shri Wamanrao Nayak, M.L.A., arising out of Starred Legislative Assembly Question No. 17699 on the 18th March 1969 stated that the Legislature staff was excluded from the Commissioner's enquiry.

1.34. The enquiry also does not cover the Offices and servants of the High Court.

1.35. As the Defence Projects Wing in the General Administration Department was in the process of being wound up and that Department was taking action from time to time to review the organisation and make further retrenchment as and when indicated, it was decided that the question of the staffing of the Defence Projects Wing need not be gone into by me.

CHAPTER 2

METHOD

2.1. The reorganisation and rationalisation of administration is, to my mind, a continuous process in any dynamic administration. It is for those charged with the responsibility of Administration constantly to seek to improve their methods and techniques, to cut down procedural delays and red-tape and to deliver the goods with optimum effort in optimum time. The final authority to determine the shape of the Administration, however, vests not in the Administrators but in Government. While some part of rationalisation and reorganisation can be achieved by the Administrator within his sphere of duty and authority, for any changes involving financial consequences or questions of policy, the re-organisation and rationalisation has, doubtless, to await orders of Government. In any case, if reorganisation and rationalisation have to take into account the felt needs of the administrator, it cannot be accomplished from above or by research and thinking in an ivory tower. The various Heads of Departments were, therefore, addressed to carry out a personal review of the activities of their organisation, to do stock-taking of the state of work, including the accumulated arrears, the normal flow of work, the work that could be disposed of in a given limited time with the existing organisation, the time required to clear the existing arrears with the existing resources and in case the existing arrears could not be reasonably expected to be cleared with the present organisation, the steps necessary to regulate their clearance and the optimum organisation required for equating the outflow of work with inflow. A copy of the letter addressed to the various Heads of Departments etc. in this connection is annexed hereto as Appendix 3. In some cases, minor modifications have been made in the letter to suit the enquiry with particular departments or organisations.

2.2. The Standing Economy Committee set up by Government under Government Resolution, Finance Department, No. FNR-1065/XXIX, dated the 9th September 1965, had recommende t s

Study Teams should be appointed to assist in the enquiry into reorganisation and rationalisation of administration, comprising the following :

(i) Deputy Secretary concerned from the Administrative Department;

(ii) Deputy Secretary concerned from the Finance Department;

(iii) One Officer from the Work Study Unit from the General Administration Department;

(iv) One Officer from the Investigation Unit in the Finance Department.

These teams were expected to carry out, under the overall guidance and directions of the Officer entrusted with the enquiry, a detailed study of the work of the department taken up, after paying actual visits to the various centres of activity and to prepare a preliminary report for the final recommendations of the Officer entrusted with the enquiry. Considering that there were about 58 Deputy Secretaries dealing with the various executive departments, it was obvious that if each one of them was to be associated with a Study Team under him, the organisation would become so unwieldy that it would create problems of co-ordination difficult of solution. Besides, the endeavours of all these Study Teams would be time consuming. The matter was discussed with the Chief Secretary and Government decided that the Commissioner should be authorised to utilise the services of one Deputy Secretary of his choice from each Department of the Secretariat. The Deputy Secretary so selected would be designated as the Liaison Officer in that Department for work connected with Administrative Reorganisation. He would be responsible for scrutinising the data, suggestions and proposals received from the Heads of Executive Departments in consultation with the Commissioner. It would be open to the Liaison Officer to take the assistance of other Officers in the Department including other Deputy Secretaries who may be concerned with the subject. A copy of Government Circular, General Administration Department, No. EST-1268 (Officers)/K, dated the 17th October 1968 is annexed as Appendix 4. A list of Deputy Secretaries in the various Departments designated as Liaison Officers by me will be found in Appendix 5. I have received valuable assistance from these officers.

2.3. In dealing with the problems of reorganisation, I have also looked into the working of the following departments and offices in respect of which the Administrative Reorganisation Committee has not made any specific recommendations :

(1) Commissioner of Labour and Director of Employment.

(2) Commissioner of Sales Tax.

(3) Director of Transport.
(4) Inspector General of Prisons.
(5) Director of Prohibition and Excise.
(6) Inspector General of Registration.
(7) Superintendent of Stamps.
(8) Charity Commissioner.
(9) Administrator General and Official Trustee.
(10) Director of Languages.
(11) Aviation Adviser to Government.
(12) Registrar of Firms.
(13) Director of Small Savings.
(14) Examiner of Books and Publications.
(15) Superintendent of Parks and Gardens.

2.4. With regard to the development sphere, a preliminary visit for the purpose to the Office of the Chief Executive Officer, Zilla Parishad, Poona, indicated that there were various agencies engaged at the District level in similar development activities resulting in a certain amount of proliferation of staff. There was the staff of the development schemes retained in the State Sector, the staff for schemes transferred either outright or on an agency basis to the Zilla Parishads and the normal extension staff of the Panchayat Samitis. A Work Study of these various activities under the guidance of senior officers with intimate experience of the working of Zilla Parishads and of development administration was considered necessary. Government passed orders in General Administration Department, Government Resolution No. EST-1268 (Officers)/K, dated the 18th October 1968, giving me the assistance of the following officers :

(1) Shri V. Prabhakar, then Deputy Secretary, Rural Development Department,
(2) Shri K. Sivaramakrishnan, then Deputy Secretary, Agriculture and Co-operation Department,
(3) Shri R. S. Pal, then Joint Registrar of Co-operative Societies (Sugar), Poona.

During the course of the enquiry, these Deputy Secretaries were transferred to other assignments. Shri V. Prabhakar was appointed Deputy Secretary, Industries and Labour Department, Shri K. Sivaramakrishnan was appointed as Dairy Development Commissioner and Shri R. S. Pal was appointed as Registrar, Mahatma Phule Krishi Vidyapeeth, Poona. They, however, continued to assist me in my enquiry. The Vice-Chancellor of the Mahatma Phule Krish' Vidy peeth, Shri Harischandra G. Patil, was good enough to all

2.9. Besides discussions with the concerned officials at all levels by the Deputy Secretaries and the Work Study Teams, I have also had discussions with some Heads of Departments, Commissioners of Divisions, Collectors, Chief Executive Officers of the Zilla Parishads and other officers. I am grateful to them all for clarifying the problems and giving valuable guidance to me.

2.10. With the permission of Government, I have also paid visits to Madras, Trivandrum and Ahmedabad and discussed several problems of administration with the Chief Secretaries to the Governments of Tamil Nadu, Kerala and Gujarat respectively, and a number of senior Secretaries and other officials of these Governments. I also paid a visit to Baroda and had discussions with the District Development Officer of the District Panchayat Board, Baroda, and the Superintending Agricultural Officer, Baroda.

2.11. In the sphere of Agriculture, new problems arose with the transfer of several functions from the State Sector to the Agricultural Universities established on the pattern of similar Universities already established in some other States. Visits were, therefore, paid to the Agricultural Universities at Ludhiana and Pantnagar and discussions held with the Vice-Chancellors and their Officers and the Development Commissioners and Secretaries of the Departments of Agriculture and other senior officials of the Punjab and Uttar Pradesh Governments and also with Officers of the Indian Council of Agricultural Research in Delhi and with Dr. Douglas Ensminger of the Ford Foundation.

2.12. I am grateful to the Chief Secretaries of the Governments of Tamil Nadu, Kerala and Gujarat, the Development Commissioners of the Punjab and Uttar Pradesh Governments and the Secretaries and other officials of all these Governments with whom I had discussions for giving me the benefit of their experience and ideas. I am similarly grateful to Dr. Douglas Ensminger of the Ford Foundation; the Vice-Chancellors of the Agricultural Universities of Ludhiana and Pantnagar, Dr. M. S. [illegible] and Shri D. P. Singh, and the officials of these Universities; and also to Dr. B. P. Pal, Director General and Vice-President of the Indian Council of Agricultural Research and other senior officials of the Council for their help and guidance. It gives me great pleasure to record the valuable assistance received by me from Shri [illegible] Chandavarkar, Under Secretary and the junior officers [illegible] under him. Shri Chandavarkar brought [illegible] experience and knowledge gathered by him in his [illegible] tion with the Administrative [illegible]

CHAPTER 3

THE SACHIVALAYA: CONDITIONS OF WORK

3.1. There have been two interesting discussions in recent times in the Maharashtra Legislative Council on the subject of the work done by Government servants and the attitude of the Government servants generally towards work. The first discussion was in July 1968 on a non-official resolution to keep Government offices completely closed on Saturdays and to extend the hours of work on the other five days of the week to ensure that the same quantum of work is done. The second discussion was in December 1968, on a notice of a short duration discussion relating to the policy of Government regarding public holidays. The reply on behalf of Government was given on both occasions by Shri S. B. Chavan, Minister for Irrigation and Power There was reference to the atmosphere in the Sachivalaya during working hours. The Minister observed in July 1968 as under*:

"आपल्यापैकी ज्यांना ज्यांना ऑफिसच्या कामात सुधारणा झाली पाहिजे अशी इच्छा असेल त्यांनी त्यांनी कधी सचिवालयामध्ये चक्कर मारली तर त्यांना जे दृश्य पाहावयास मिळेल ते पाहिल्यानंतर तेथे काम किती होते आणि कर्मचाऱ्याचा वाहेर किती वेळ जातो हे त्यांना स्पष्टपणे दिसून येईल. अशी दृश्ये पाहिल्यानंतर सक्तीनेसुद्धा काही गोष्टी कराव्यात की काय अशी कल्पना डोकावल्यावाचून राहात नाही. सकाळी १० वाजता कर्मचारी ऑफिसमध्ये आल्यावरोबर हॉटेलमध्ये चहा पिण्यासाठी व त्यानंतरसुद्धा दिवसभर चहाचे ट्रे खालून वर आणि वरून खाली जात असतात, हे पाहिल्यावर हे कर्मचारी काम करीत असतात की, ऑफिसमध्ये चहाच पीत असतात यावद्दल मनात शंका आल्यावाचून राहात नाही. तेव्हा कामाच्या मानाने खरोखरीच स्टाफ ठेवावयाचा व बाकीचा स्टाफ काढून टाकावयाचा ठरविले तर मला असे वाटते की, हल्लीच्या नोकरवर्गापैकी ५० टक्के नोकरवर्ग कमी करावा लागेल."

In his speech in December 1968, he again made the following observations on the same subject:

"सचिवालयात कामे होतात हे म्हणणेही थोडे धाडसाचे आहे. सचिवालयात काम करणारे जे कर्मचारी आहेत त्यांच्या कामाची पद्धत पाहिल्यानंतर त्या ठिकाणी ऑफिसला

*Authorised English translation of these extracts from the Minister's speeches is given in the Addendum, pages 659-661.

आल्यापासून तो घरी परत जाईपर्यंत किती वेळा ते चहा घेण्यासाठी जातात याचा हिशेब लावण्याचा प्रयत्न केला आणि कॅन्टिनमध्ये गेलो तर असे दिसेल की तेथे गरजू माणसाला चहा घेण्याची आवश्यकता वाटली तर त्याला पाय ठेवता येणार नाही."

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"सचिवालयाच्या जवळपास असलेल्या कॅन्टिनमध्ये असेच दिसून येते. मी हे जाणू शकतो की, चार तास काम केल्यानंतर माणसाला चहा घेण्याची इच्छा होते. पण आपण तेथे बसून बघितले तर ते किती वेळा चहा घेतात आणि किती वेळ गप्पा-गोष्टीत घालवितात हे दिसून येईल. माणसाला रिलॅक्सेशनची जरुरी आहे. चहासाठी त्याने जावयास पाहिजे. तसा जेवणासाठी देखील वेळ मिळाला पाहिजे. दुपारच्या वेळी एक तास जेवणासाठी आवश्यक आहे म्हणून तो घेतला जातो आणि ४ वाजता प्रत्येकजण हक्काने चहा पिण्यास जातो. पण बाकीच्या वेळी हे प्रकार किती वेळा चालतात आणि बाहेरची कामासाठी आलेली माणसे किती वेळ तिष्ठत बसतात याचा विचार केला तर आपल्याला दिसून येईल की, सर्वसामान्य माणूस तेथे तिष्ठत असतो आणि तुझे प्रकरण माझ्या टेबलावर आले नाही यापेक्षा दुसरे उत्तर त्याला मिळत नाही. हातावेगळे कागद करण्याचा ते प्रयत्न करतात आणि ते कागद एका टेबलावरून दुसऱ्या टेबलावर सरक-विण्यापेक्षा त्याचा आपल्याशी दुसरा काही संबंध नाही अशा भावनेने काम होते. अशा भावनेने काम करण्यास सुरुवात केली तर आज जी परिस्थिती आहे त्यात सुधारणा होण्याची आवश्यकता आहे. कामाचा उरक वाढला पाहिजे आणि कामाचा औटपुट वाढला पाहिजे. सन्माननीय सभासद श्री. हॅरिस म्हणाले त्याप्रमाणे यात काही वेस्टर्नाईजड कल्पना नाही."

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"मी तर असे म्हणेन की आठवड्यातील सातही दिवस त्यांनी कामावर येण्यास काहीही हरकत नाही. आठवड्यातून एक दिवससुद्धा सुटी देण्याची जरुरी आहे असे मी मानीत नाही. परंतु पूर्वीपासून रविवारी सुटी देण्याची प्रथा पडली आहे म्हणून आम्ही ती देत आहोत. वस्तुतः तिची आवश्यकता नाही असे माझे मत आहे. आठवड्यातील सहा दिवस आमचे सरकारी कर्मचारी इतके परिश्रम करतात की ते अत्यंत थकून जातात आणि एक दिवस विश्रांती घेतल्याशिवाय ते पुनः काम करण्यासाठी ताजे-तवाने होणार नाहीत असे मला वाटत नाही. इंग्लंडमध्ये सुट्यांच्या दिवशी बाहेरगावी जाणारे आणि सुट्यांवरून परत येणारे लोक मी पाहिले आहेत. इतर दिवशी त्यांचे ऑफिस पाच वाजता सुटणार असेल तर पाच वाजण्यासाठी पाच मिनिटे कमी असताना-सुद्धा ते आपल्या कागदपत्रांची आवराआवर करण्यास सुरुवात करीत नाहीत. परंतु आमच्या येथील कर्मचारी ऑफिसमध्ये आल्यानंतर अर्धा तास कामाला सुरुवात करीत नाहीत आणि ऑफिस बंद होण्याच्या आधी अर्धा तास पूर्वीच आपल्या फाईली बांधण्याचे काम ते सुरू करतात."

In the speech in July 1968, Shri Chavan also observed that he was not blaming the employees for this state of affairs. He said:

"अर्थात याबद्दल मी कर्मचाऱ्यांनाच दोष देत नाही. त्याला निरनिराळी माणसे कारणीभूत आहेत. त्याला आपणसुद्धा कारणीभूत आहोत. आपल्या समाजातील अनेक फॅक्टर्स त्याला कारणीभूत आहेत."

Among factors which would add to the efficiency of the employees which required attention, he observed:

"मुंबईसारख्या ठिकाणी कर्मचाऱ्यांना कामावर येण्यासाठी दररोज जर ४०-४० मैलांचा प्रवास करावा लागत असेल व त्यासाठी रोजचे दोन-अडीच तास खर्च करावे लागत असतील तर त्यांच्या कामाच्या एफिसियन्सीवर त्याचा परिणाम झाल्याशिवाय राहणार नाही. तेव्हा त्यांच्या घरांची सोय शक्य तितक्या जवळ झाली पाहिजे. त्या दृष्टीने सरकार सरकारी कर्मचाऱ्यांसाठी घरे देखील उपलब्ध करून देण्याचा नेहमीच प्रयत्न करीत असते. अर्थातच हा जो प्रश्न आहे तो आजच संपूर्णपणे सुटेल असे नाही. परंतु आपण निदान त्या दृष्टीने प्रयत्न करीत आहोत व आपल्या आर्थिक परिस्थितीत जितके घर बांधणीसाठी करता येणे शक्य आहे तितके आपण करीतच आहोत. त्याच-प्रमाणे सरकारी नोकरात देखील कॉन्शसनेस निर्माण होण्याची आवश्यकता आहे. प्रत्येकाने आपले काम अधिकाधिक करण्याचा प्रयत्न केला पाहिजे आणि ह्याची जर कोठे सुरुवात करायची असेल तर ती स्वतःपासून प्रत्येकाने करावी असे मला वाटते. आणि ह्या दृष्टीने जर प्रयत्न झाले तर आज सरकारी कार्यालयातील कामाची जी स्थिती आहे त्यात सुधारणा झाल्याशिवाय राहणार नाही."

From the Minister's observations in the debate it appears that he was of the view that there was room for increasing the efficiency in the taluka offices by adopting improved methods of work. The same possibly was his view with regard to divisional and district offices. But, with regard to the Sachivalaya, his emphatic views have been quoted earlier.

3.2. To take the working of the staff in the Sachivalaya, it is a fact that at all times of the day, some employees can be seen having tea in the canteen and moving about in the corridors. The loitering in the corridors has been considerably minimised with the appointment in October 1969 of Watch and Ward Staff who have been asked to take energetic steps to stop such loitering. As for members of the staff being found in the canteen taking tea at all times of the day, a part of the explanation is that the sitting accommodation in the canteen is strictly limited. The total accommodation available in the Square Meal Canteen is for 170 seats and in the main canteen on the Mezzanine Floor 120 seats. In addition, there is a Refreshment Canteen on the 5th Floor which has no sitting accommodation but which can accommodate approximately 40 persons at a time. There are two other Lunch Rooms, one for men and another for women employees with a sitting capacity of 112 and 110 respectively. These Lunch Rooms are for the convenience of those who either bring their own dry lunch with them or have lunch sent to them from home in tiffin carriers. In the Square Meal Canteen, a hot square meal is served. T
is a subsidised meal at present costing 60 paise per

The meal is served in 7 shifts between 11-30 a.m. and 2-15 p.m. The Square Meal Canteen caters only to those who want a square meal. In the main canteen on the Mezzanine Floor, tea and refreshments are served. Tea and refreshments are also served at a counter on each of the first to the fourth floors of the Sachivalaya from 10 a.m. to 4-30 p.m. The total number of employees in the Sachivalaya Buildings is estimated at nearly 5,500. Thus, if the canteens are crowded all the time, the fact can be explained by the paucity of accommodation in the canteen. A casual observer may find the employees refreshing themselves in the canteens all the time; but it would be rash to conclude therefrom that the bulk of the employees are spending the bulk of their working time in the canteens. The conditions of work in the Metropolitan City where people have to attend offices from long distances with inadequate transport facilities cannot also be ignored. The Minister himself acknowledged this when he referred to employees being required to travel 40 miles a day and spend 2 to 2½ hours a day on such travel to get to office. It is not merely a question of time required for travel. The suburban trains are generally so heavily over-crowded during peak hours that, except at terminal stations, it requires actual physical struggle to get into the compartment as also to get out. Some employees are required to walk or take a bus from their residence to the suburban stations; thereafter they take a train from the suburban station to the terminus in the Fort area; on alighting from the train, they have again to walk the distance to the Sachivalaya or take a bus from Boribunder. By the time the employees get to the office in the humid atmosphere of Bombay, they may in fact be quite exhausted and feel the need of a hot cup of tea to refresh themselves. The working time lost in the employees visiting the canteens for tea can well be saved if arrangements are made for service of a hot cup of tea at the working table by a Tea Trolley being moved round at specific times, twice a day, once in the forenoon and once in the afternoon. In some of the offices of the more enlightened employers in the Private Sector, such tea is even served at the cost of the employers. The saving of working time would perhaps more than off-set the cost of serving tea free of cost once, or even twice, a day. If, however, this amenity is beyond the resources of Government, the supply could even be arranged against payment to be made in coupons on the spot. The employees could purchase such coupons in advance.

3.3. If the system of serving tea at the working table, as suggested, is introduced, the canteen need not serve tea at all. The

facility of the square meal could be given in all the canteens including service of *thals* so that a larger number of employees can benefit. Today, the Square Meal Canteen is not able to meet the demand for a square meal from the employees. The system of serving the square meal could also perhaps be rationalised and shifts fixed in advance for monthly card-holders so that time is not lost in going to the canteen and having to wait for a seat in a queue in the corridor.

3.4. For those who are unable to avail of these facilities or do not wish to avail of them, enough time should be given in the lunch period to enable them to visit nearby refreshment houses and have refreshments of their choice. At present, the theory is that lunch time for staff is restricted to half an hour, but half an hour is barely enough even for those who partake of their own tiffin in the tiffin rooms or of a square meal in the Square Meal Canteen. In all offices, generally, an hour's lunch break is allowed without question. I consider that recognition of realities necessitates that a lunch break of one hour should be given in the Government offices also. Even if it is not officially given, it is generally taken. Besides, for many, having regard to the facilities available for refreshment in the neighbourhood, it would be next to impossible to manage with a much shorter lunch break. The lunch break need not be a break at a common time for all. It may be allowed in two shifts, say, first shift between 12-30 p.m. and 1-30 p.m. and the second shift between 1-30 p.m. and 2-30 p.m. These shifts for each employee should be fixed in advance so that their superiors always know who would be available for work during a particular shift. Once the shifts are fixed, no change should be allowed except at the beginning of the month effective thereafter.

3.5. The next question is punctuality in attendance. It is a common sight to see the employees trooping into Sachivalaya between 10 and 10-30 in the morning when work is supposed to start in the Sachivalaya at 10 a.m. In the evenings as well, the trooping out starts by about 4-45 p.m. when office actually closes at 5 p.m. It is not unusual also to see the employees packing up their work at the table, the women employees going out to the toilet room and the men going out to have a smoke by about 4-30 p.m. before they start on their way back. There is considerable laxity in the maintenance of discipline in regard to punctual attendance at work during office hours. In commercial offices, at the commencement of the office time, everybody is at his desk having signed the muster and had a smoke or powdered

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3.3. If the system of serving tea at the working table, as suggested, is introduced, the canteen need not serve tea at all. The

facility of the square meal could be given in all the canteen including service of *thals* so that a larger number of employees ca benefit. Today, the Square Meal Canteen is not able to meet th demand for a square meal from the employees. The system o serving the square meal could also perhaps be rationalised an *shifts fixed in advance for monthly card-holders* so that time is no lost in going to the canteen and having to wait for a seat in a queu in the corridor.

3.4. For those who are unable to avail of these facilities or d not wish to avail of them, enough time should be given in th lunch period to enable them to visit nearby refreshment house *and have refreshments of their choice.* At present, the theory i that lunch time for staff is restricted to half an hour, but half a hour is barely enough even for those who partake of their ow tiffin in the tiffin rooms or of a square meal in the Square Mea Canteen. In all offices, generally, an hour's lunch break is allowe without question. I consider that recognition of realities neces*sitates that a lunch break of one hour should be given in th* Government offices also. Even if it is not officially given, it i generally taken. Besides, for many, having regard to the facilitie available for refreshment in the neighbourhood, it would be nex to impossible to manage with a much shorter lunch break Th lunch break need not be a break at a common time for all. I may be allowed in two shifts, say, first shift between 12-30 p.m *and 1-30 p.m. and the second shift between 1-30 p.m. and 2-30 p.m* These shifts for each employee should be fixed in advance so tha their superiors always know who would be available for wor during a particular shift. Once the shifts are fixed, no chang should be allowed except at the beginning of the month effectiv thereafter.

3.5. The next question is punctuality in attendance. It i a common sight to see the employees trooping into Sachivalaya between 10 and 10-30 in the morning when work i supposed to start in the Sachivalaya at 10 a.m. In the evening as well, the trooping out starts by about 4-45 p.m. when offic actually closes at 5 p.m. It is not unusual also to see the employee packing up their work at the table, the women employees goin out to the toilet room and the men going out to have a smoke by about 4-30 p.m. before they start on their way back. There i considerable laxity in the maintenance of discipline in regard punctual attendance at work during office hours. In comm offices, at the commencement of the office time, everybod his desk having signed the muster and had a smoke or

4.6. The morale of the Services is also affected when orders for their transfers are issued on complaints to Ministers by local "Social Workers" who may feel thwarted by local officials refusing to do their bidding. There are standing orders governing transfers under which transferable personnel are not to be transferred ordinarily before they have spent a minimum period at a station and are ordinarily not to be retained at the same post beyond a maximum period. Administrative exigencies may, however, and do arise which may necessitate transfers earlier. It is not the mere fact of such transfers being made that is objectionable; but the manner in which they are brought about. It is necessary that any complaints received against officials must be enquired into, if *prima facie* there appears to be substance in them. But the practice of ordering transfers on unverified complaints on which even the remarks of the administrative superiors of the officials complained against are not called for seriouly tends to affect the morale, not only of the persons actually transferred but also of the administrators in the area where the news of such transfers travels. It is desirable that before action is taken, the complaints are referred to Senior Administrators and in suitable cases, the persons complained against also get a chance to place their version before Government.

4.7. While on the subject of discipline, it is a matter for Government to consider how far it may practise self-discipline. In the course of this report several instances are referred to where decisions taken by the Cabinet after prolonged discussions and controversy are not only not enforced promptly but are either put into cold storage or even circumvented or sought to be circumvented by Departments which find them unpalatable. Considerable amount of ingenuity, talent and effort are expended for such purpose. I venture to submit that rationalisation of the administration is hardly possible or worthwhile if considered decisions, which may be unpalatable, instead of being implemented are re-opened by those who were a party to them when there has been no change in the underlying circumstances.

4.8. What has been said earlier about the need for a single line of control applies with even greater force to the Executive Departments. The Executive Departments are responsible for implementing the policies of Government and for carrying on the Administration. The responsibility placed on the Heads of the Departments is such that they must have undivided control over all their subordinates and those appointed to assist them in the task of Administration. Looking it from another point of view, they must have the undivided l of the staff in the Department who should at no time have a

as to who is the boss. If an additional Head of the Department is appointed, this may lend scope for manoeuvres to the subordinates in the belief that not one but the other has the ear of Government and they could play him against the one. From the point of view of formulation of policy, if there are two co-ordinate authorities with functional distribution of responsibility between them, there would be none to take an overall view of the picture and to assess repercussions of actions and policies in one sector on actions and policies in the other.

4.9. The practice of appointing an additional Head of a Department appears to have started some time after States Reorganisation. The first such appointment was in the Forest Department where an Additional Chief Conservator of Forests was appointed. But, fortunately for this Department, as far as the Administration is concerned, the appointment of the Additional Head does not appear to have had serious repercussions as the Chief Conservator has retained full control over the Department in practice.

4.10. In between, this practice was extended to the Sales Tax Department. In that Department soon after the Additional Commissioner was appointed, the reigning Commissioner went on leave. He had advised Government that the arrangement was not conducive to satisfactory working and would not be necessary if a person enjoying the fullest confidence of Government was appointed as the Commissioner. He did not return to that post on the expiry of his leave. During his leave and for several years thereafter, the Additional Commissioner held the charge of the post of Commissioner as well as Additional Commissioner. With regard to this post in the Sales Tax Department, it requires to be observed further that statutorily it is the Commissioner of Sales Tax who is appointed to carry out the purposes of the Sales Tax Act. The Act also specifically provides that Government may appoint Additional Commissioners (if any) to assist him. While this is clearly the provision of law, the provision has been contravened by the arrangement whereunder the Additional Commissioner, who is placed in charge of the Administration, functions not as a person in the hierarchy appointed to assist the Commissioner, but as an independent Authority with little concern for the repercussions of his actions on the Commissioner.

4.11. Among other Departments to which this practice has been extended is the Police Department where the trump card with the Inspector General of Police in obtaining the post of Additional Inspector General was his argument that in the last 85 years while there has been expansion in all the other cadres of the Police, there

has been only one Inspector General of Police. In that Department, previously for some time, there had been an Additional Inspector General of Police. But, this designation was bestowed on the then Commissioner of Police who was not spared for Gujarat on the bifurcation of the State, presumably to compensate him for the loss of the post of Inspector General to which he would have been appointed had he been spared for Gujarat. He continued to function as Commissioner of Police and the Inspector General of Police held the single line of control as the Head of the Department in his hands.

4.12. It is no doubt true that there has been a general expansion in the work and also an increase in its complexity. But, creating an additional Head of Department is not an answer to the situation. Elsewhere*, it has been recommended that Heads of Executive Departments may be spared the long waits in the Legislature when questions pertaining to their Departments are put and answered or when other matters are to be discussed. It should also be possible to provide substantial relief to the Head of the Department by giving him a sufficiently senior officer at Headquarters to whom he can delegate some of his duties, functions and responsibilities while retaining the overall supervision and control to himself. In certain routine matters, such an officer could also be allowed to function completely in his discretion within the guide-lines laid down for him by the Head of the Department in the light of the policy of Government. I, therefore, recommend that there should be a single head for every department; wherever there are additional Heads of Departments, they may be given suitable alternative designations and their functions and responsibilities re-defined by the Heads of Departments in the light of the preceding observations; and that the practice of appointing Additional Heads of Departments should cease.

Supervision at work

4.13. In a comparatively small office where the Head of Office and the members of the staff sit together or close by, the presence of the Head of Office nearabout is sufficient for maintenance of discipline. In large offices, such as the Sachivalaya, it is necessary that the seating arrangements for the staff and officers are such that the staff knows that it is continuously under watch. Unfortunately, the moment a person is promoted as an Officer in the Sachivalaya he gets inside a cabin; he is thereby disabled from keeping a constant watch on the branches under his control and is

*Paragraphs 6.1 to 6.4.

also free from eyes prying into what he does in the privacy of his cabin. With the staff and the officers thus isolated from each other, supervision over the staff and maintenance of discipline are left to the Superintendents whose own authority over their junior colleagues seems to have been watered down over the years. With the growth of Union activities, the Superintendents who until recently, when they were gazetted, were members of the same Union and their juniors developed a Bhai Bhai relation; either the Superintendents were unable to exert themselves or were not allowed to do so by their juniors. It is premature to assess how this old Bhai Bhai relationship has been affected by the bestowal of gazetted status on the Superintendents to which the Union, it seems, has not taken kindly. In commercial banks and the larger commercial firms, except for the very top level officers, the other officers sit in the same hall as the staff. In my view, it is time that the cabins in the Sachivalaya and in other offices were generally pulled down. The officers and staff in each department should work together in a big hall. The Under Secretary should sit in the midst of his branch; he may be given his seat on a 9″ high platform to mark him out from the rest and also to enable him to oversee what goes on around him. The Deputy Secretaries could well be seated similarly on slightly larger platforms at either end of the halls. Secretaries may continue to have cabins but the cabins should have transparent glass panels, at least above the height of the working tables through which they could see their staff at work, and also inspire work by being observed at their own work.

4.14. It is understood that the idea of Under Secretaries and other officers sitting inside glass panels had been mooted in the past but was not pursued because it met with resistance. One of the objections was that confidential discussions would not be possible if there were no cabins. *Prima facie,* such an argument has little substance; the customer seeking accommodation from a Banker is able to carry on confidential discussions relating to his business with the Assistant Accountant or other officers of the Bank who sit along with the staff without any inconvenience. It may be conceded that confidential work in a Government Office is of a different nature; nevertheless, it would be possible to arrange for such confidential work to be attended by providing 2 or 3 chambers, with glass panels, to each department where officers can hold confidential discussions when required or which could be used for confidential dictation. The best seating arrangement would seem to be to have big halls with a gangway in the middle marked off by railings and with officers and staff sitting together

on both sides. Such an arrangement would eliminate the loitering and gossiping in corridors which occurs when people sit behind closed doors with walled corridors in between.

Promotion Prospects

4.15. Promotion prospects for an intelligent person play an important role in his continued efficiency. The stagnation of a person with capacity in a minor post at a stage in his career when, with the experience and knowledge he has gained, he is likely to be most useful to Government results in a feeling of frustration. If such feeling persists and the person concerned sees little prospect of improving his position, he fails to give of his best. This problem crops up often in technical departments or departments such as the Police where the higher and responsible posts are barred to those who join service in the ministerial cadres. In some departments, such as the Revenue Department, persons joining as clerks have opportunities to rise to very high positions. In the Sachivalaya also those joining as Assistants can look forward to rising to positions of Deputy Secretaries and Under Secretaries before retirement. There is much disgruntlement at want of equal opportunities for promotion to supervisory posts for those joining departments where promotion prospects are few and the promotion itself is slow moving.

4.16. At present, the structure of administration is stratified into rigid classes. There is no interchange as between the different departments in the field or between the executive departments and the Sachivalaya departments. The rigidity of the present structure affects the individuals concerned who are unable to move to positions of higher responsibility or to gain more varied experience by moving to similar posts in other departments. Such rigidity also fails to secure promotion of persons with the right potential to appropriate jobs. Supervisory posts in each department are the close preserve of those working lower in the line in the same department. The pay structure is also such that without suitable promotions persons recruited in lower posts would find it difficult to make two ends meet as their family responsibilities increase with the years. The question of the pay structure of the services is beyond the purview of the present enquiry. But in order to secure the objective of rationalisation of the structure of administration, it is necessary that supervisory posts should go to those with the capacity above the average and the field of recruitment for such posts is not limited to persons working in particular departments and offices where the vacancies arise.

4.17. By and large, the administrative work pertaining to various departments has much in common. The requirements of a particular office or department could be learnt by an intelligent person in a short period of training provided he has some basic experience of attending to administrative work of Government. The Fulton Committee has made some far-reaching recommendations with regard to change in the structure of administration in the United Kingdom, to permit greater mobility between various sections as also the best deployment and use of individual talent. I would, therefore, recommend that the supervisory posts, other than technical, in all the executive departments and in the Sachivalaya, may be pooled together and appointments to these made from a common list of persons from all the departments who have passed the necessary qualifying examination for such promotion. Before such a recommendation is given effect to, it would be necessary to introduce a greater degree of rationalisation in the pay scales and to bring about greater uniformity in the supervisory posts.

4.18. In discussions with senior officers of several departments an objection to the proposal for promotion to supervisory posts of capable persons from a common pool was that persons in the same office and in the same department perform a very useful "memory function". They can readily recall precedents and are, therefore, better able to ensure continuity in the administration than outsiders, however capable, who may be appointed to supervisory posts. I may say, with respect, that I am not convinced by this argument. Public Administration is impersonal and should not be made to rely on the memory of particular persons. If records are properly kept and files of Standing Orders on important decisions are readily available, it is these records which would help continuity and enable the organisation to function impersonally without relying on the memory of particular individuals. Besides, with such pooling and common promotion channels, the best available material would be drawn upon for the supervisory posts. Once it is ensured that proper records of Standing Orders and important decisions are maintained, such persons would have no difficulty to pick up the work and to offer all the assistance that the officers require.

Training

4.19. The Administrative Reorganisation Committee has made a number of recommendations for devising detailed programmes of training, taking different levels of employees, with due regard to the functions and responsibilities they are expected to discharge. All new entrants to service as well as old persons taking up

an appointment in a department for the first time should receive training and orientation in respect of their duties before they are actually called upon to discharge the responsibilities of the post. In the Sales Tax Department, in the past, a practice had developed that when an officer was newly appointed on deputation or by direct recruitment, he was placed on special duty for a limited period during which he sat with various officers and got a thorough grounding in different aspects of the work of the department. Such a practice should become more general.

The Language Problem

4.20. Another important factor militating against the securing of the optimum output is that of the language of the Administration. After the Reorganisation of States, the Government of Bombay issued orders in Government Resolution, Political and Services Department, No. OFL-1057-B, dated the 19th December 1957, in the matter of the use of the regional languages in Administration. Under these orders all taluka offices in the State were required to conduct their business in the language of the taluka concerned. All communications originating from a taluka office, whether addressed to non-officials or officials in the taluka, were to be made in the language of the taluka. The regional language was prescribed for being used invariably in offices at the district level in giving replies to communications received from the public whether in English or in the regional language. It was further directed that all official business in offices at the district level and in those subordinate to them should be conducted in the regional language except in matters where it was considered essential to use the English language, e.g., medical, medico-legal, judicial, quasi-judicial, accounts, technical reports, treasury accounts, etc. It was further directed that the language of noting and correspondence in all offices at the district level and below should be gradually changed over from English to the respective regional language of the area as soon as possible.

4.21. These orders were further modified by the Government of Maharashtra in Government Resolution, General Administration Department, No. OFL. 1062-M, dated the 26th July 1962, to the effect that there was no objection if correspondence with Government and offices above district level was also made in Marathi. By Government Resolution, General Administration Department, No. RMO. 1062-M, dated the 27th October 1962, Government adopted and prescribed for use in Administration a uniform set of rules of Marathi Orthography prepared and approved by the

Marathi Sahitya Mahamandal. By Maharashtra Government Circular, General Administration Department No. OFL. 1063-M, dated the 20th November 1963, Government announced that as a first step to the Administration being conducted only in Marathi, it had decided to encourage the use of the Marathi language in Administration. All Government servants were exhorted to acquire sufficient knowledge of Marathi and to make as much use of that language as possible in their work. To begin with, it was considered desirable to use the Marathi language in the following matters:

1. Tour Programmes;
2. Language used for training in different training schools and institutions;
3. Leave applications and representations of Government servants;
4. Reports of Officers except in technical matters or subjects for which there was no proper and definite terminology in Marathi;
5. Routine notes and drafts; In other matters also, as far as possible, it was desired that Marathi should be used increasingly;
6. Those Departments which came into close contact with the rural population and institutions were to use Marathi as much as possible.

4.22. Under Article 343 of the Constitution of India, the official language of the Union is Hindi in the Devanagari script. Clause (2) of the Article provided that for a period of fifteen years from the commencement of the Constitution, the English language should be continued to be used for all the official purposes of the Union for which it was being used immediately before such commencement. By clause (3) of the same Article, Parliament was authorised to provide by law for the use of the English language even after 15 years for such purposes as may be specified in the law.

4.23. Article 345 empowers the Legislature of a State to adopt by law any one or more of the languages used in the State or Hindi as the language to be used for all or any of the official purposes of the State. Until the Legislature of the State otherwise provides by law, the proviso to this article provides that the English language should be continued to be used for those official purposes within the State for which it was being used immediately before the commencement of the Constitution. Under Article 346, the language for the time being authorised for use in the Union for official

purposes shall be the official language for communication between one State and another State and between a State and the Union. Under the proviso to this Article, however, if two or more States agree that the Hindi language should be the official language for communication between such States, that language may be used for such communication.

4.24. The Official Languages Act, 1963, was enacted by Parliament. Subsequently, the same was amended by the Official Languages (Amendment) Act, 1967. The statutory position under this Act now is that the English language may continue to be used in addition to Hindi for all the official purposes of the Union for which it was being used and for the transaction of business in Parliament. By the first proviso to Section 3 (1) of the Act, English shall be used for purposes of communication between the Union and a State which has not adopted Hindi as its official language. By a further proviso it is open to such a State to use Hindi for purposes of communication with the Union. Such a decision has, however, not so far been taken by the Maharashtra Government.

4.25. The Maharashtra Legislature has passed the Maharashtra Official Languages Act, 1964 (Maharashtra Act No. V of 1965). Section 3 of the Act, which came into force from the 26th of January 1965, prescribes that the English language may, as from that day, continue to be used in addition to Hindi and Marathi for the transaction of business in the Legislature of the State. Section 4 of the Act provides that Marathi shall be the language used for all official purposes referred to in Article 345 of the Constitution except for such purposes as may be prescribed under the Rules for which Hindi may be used as the official language This section and section 6, which delegates the powers to make rules for purposes of carrying out the purposes of the Act to the State Government, came into force from the 6th May 1966.

4.26. By Rule 2 of the Maharashtra Official Languages (Excepted Purposes) Rules, 1966, the following purposes have been prescribed as the excepted purposes for Section 4 of the Maharashtra Official Languages Act, 1964 :

(1) correspondence with the Government of India and the offices under it including Indian embassies, consular offices and trade commissions;

(2) correspondence with any State Government with whom there is no agreement as is referred to in the proviso to article 346 of the Constitution of India;

(3) correspondence with foreign embassies or consulates;

Hindi in the Devanagari script with the proviso that English may continue to be used. For the purposes of the State, Marathi is now statutorily the language of the Administration with the qualification that for prescribed excepted purposes English and Hindi may be used. The Administration of the State Government does not function in a water-tight compartment by itself. On the contrary, it is daily in continuous contact with the Administration of the Union Government for the purposes of the Union and of agencies such as the Reserve Bank, the Reconstruction Finance Corporation, the Planning Commission, etc. Citizens who in their normal avocations are required to deal with the Union Government and its agencies would have to deal with these agencies in Hindi or English; the same citizens when dealing with the State Government would have to use Marathi for ordinary purposes and may use Hindi or English for the excepted purposes. While this enquiry is not concerned with the burden on the citizen, it may not be out of place to mention that in seeking the help of persons who do not know Marathi even for a purpose of the State, the Administration is required to use English or Hindi. For instance, for an employment exchange seeking to place candidates registered with it in private employment, it may serve little purpose to write to employers not equipped to deal with correspondence in Marathi in that language. For a gainful response the employer has to be approached in a language he understands or addressed in a language which his office is equipped to handle. On the other hand the recruits to Government service produced by the Educational Institutions do not appear to be sufficiently equipped to deal with the Administration in English, Hindi and Marathi. While the Government is making strenuous efforts to facilitate the use of Marathi in Administration, it may be necessary, with the role given to Hindi as the National language, to take similar measures for facilitating the use of Hindi wherever the use of that language is required by the Administrators. With regard to English also, some special measures may be necessary for training new recruits to Government service who have not acquired adequate proficiency in the use of English in the course of their educational career so long as this language continues to play its role in Administration. The unilingual Administration of the past is now replaced by a trilingual Administration. Until at least those required to work in the three languages acquire sufficient proficiency in all the three languages, their output is bound to fall and the yardsticks for work would have to be reduced. To that extent, a larger administrative machine would be required for dealing with the same net quantum of work.

Need for concern for "non-developmental" activities

4.31. Since the advent of planning, Government Departments concerned with the Development Programme have been receiving adequate attention from the point of view of allocation of resources, in view of the importance attached to the attainment of a high rate of economic growth; while on the other hand the so-called Non-Development Departments have found it extremely difficult to obtain the funds necessary for their normal growth. The primacy accorded to planning has from time to time given rise to the cry that a halt should be called to the growth of non-development expenditure in view of the paramount need for finding resources for Plan Schemes. The result has been that some Development Departments which are placed in generous funds are sometimes hard put to it to devise schemes so that the available funds may not remain unutilized. This picture of plenty for the Development Departments is in contrast to that of starvation from which the Non-Development Departments have had to suffer in the matter of allocation of funds. In Government's preoccupation with the needs of planning, the problems and needs of Non-Development Departments which are also increasing day by day either by way of secondary effect of planning activity or in the normal course have failed to receive the requisite attention. It is not without significance that the Administrative Reorganisation Committee did not consider it necessary to make any specific recommendations relating to the Non-Development Departments referred to in paragraphs 1.9 and 1.10 of its Report. The Committee has observed that the concern of these Departments with Development activities is limited. It would thus be clear that the Non-Development Departments have not received the attention they deserve.

4.32. As pointed out elsewhere when dealing with the Non-Development Departments, several of them suffer from acute understaffing in certain key sectors of their organisation, which had led to a failure on the part of the Administration to provide the services which it is statutorily required to do. In the Labour and Factory Departments, in the Drugs Control Administration, the Jail Department, certain sectors of the Police Department, the Motor Vehicles Department etc., the strength of staff in categories such as Inspectors is hopelessly inadequate. The staff in some sectors is not even sufficient for discharging the statutory duties of the Administration.

4.33. Besides, administration cannot be split up into two watertight compartments called developmental and non-developmental. As the developmental activities expand, they give rise to many

problems which can be tackled by the regulatory wing of the Administration. For example, if there is industrial expansion, there is an increase in the number of factories and steam-boilers which require to be statutorily inspected and regulated. The expansion of the drug industry inevitably calls for strict control on the drugs produced for the consumer. With urbanisation and new industrial complexes and ventures being set up, new law and order problems are created requiring attention from the Police. As new social offences are placed on the statute book and offenders are brought to book, there may be a rise in the prison population. With the development of communications and motor transport, there is an automatic increase in the population of motor vehicles whose use and misuse call for regulation. Administration is thus an organic unity. Overemphasis on the developmental part with comparative neglect of the regulatory part may well lead to disaster in the long run.

4.34. The Administrative Reorganisation Committee has, however, appreciated the need for provision of adequate funds for the Non-Development Departments. Recommendation No. 5.3 (iii) of the Committee reads as follows:

> "At present there is no systematic and advance projection of requirements on account of new non-developmental schemes to enable Government to make the necessary financial resources available to them. It is necessary to ensure that the phased requirements of such schemes are drawn up in advance as in the case of Plan schemes (5.6)".

This recommendation has been accepted by Government. It is, therefore, necessary that a phased programme of development is also chalked out for the Non-Development Departments and necessary funds provided.

Sanctions for Establishment

4.35. One of the main factors contributing to increase in the workload of Government offices is the outmoded concept and practices in regard to creation of posts and appointment of personnel followed by Government. The section in every Government office which is subject to chronic delays arising out of complicated procedures is the Establishment Section. Claims of Government servants relating to pay and allowances, increments, confirmation, pension, etc., are commonly held up for varying periods, causing considerable dissatisfaction among Government servants and affecting their morale and output. The main reason for this is the distinction made by Government between permanent and tempora ts

personnel and the involved procedure required to be followed for making a temporary or officiating Government servant substantive or provisionally substantive in a permanent post. Posts are initially sanctioned on a temporary basis for a period ending the 28/29th February of the next year, even in cases where it is known in advance that the posts are required for a longer period, as for example, when sanctioning staff for a College for which expenditure has already been incurred on building and equipment. Thereafter the Administrative Department has to come up to the Finance Department before the end of every year for the continuance of the posts. The posts continue as temporary in this manner for years together. When eventually the time comes for making the posts permanent, an elaborate procedure has to be gone through to convince the Finance Department of the necessity of making the posts permanent. Heads of Departments have complained that the Finance Department insists on the production of not only a copy of the Government Resolution sanctioning the posts originally but also copies of the Government Resolutions continuing them from year to year, as well as the papers underlying all these sanctions. Even though Government has issued orders directing that 80% of posts in continuous existence for three years or more which are required on a permanent or long-term basis should be made permanent, many offices have yet to implement the orders because of the formidable difficulties involved in satisfying the various conditions laid down by the Finance Department. After the posts are made permanent with retrospective effect, a great deal of time is wasted in trying to find out the names of the claimants for confirmation, some of whom might have since retired or be Resting in Peace. Even in respect of permanent posts already in existence. substantive vacancies are not sometimes filled immediately and much time is spent in ascertaining the dates from which provisionally substantive and then substantive appointments could be made.

4.36. The distinction made between permanent and temporary Government servants in regard to leave and pension also adds to the difficulties of the Establishment Section. The difficulties of preparing the pension papers of a Government servant about to retire, including the verification of his pensionable service, and the delays in sanctioning pensions, are well-known.

4.37. Elsewhere* it has been recommended that the distinction between permanent and temporary Government servants

*Paragraph 47.15.

should be abolished and both the classes should be given the benefit of pension and gratuity on an equal footing. It is necessary that the time honoured staffing policy of Government which is post-oriented, should give place to a policy more in tune with that which Government has enjoined on private industry. If common Leave and Pension Rules applicable to all Government servants are framed and leave and pension or other terminal benefits sanctioned on the basis of length of service, a significant amount of work relating to establishment in Government offices including the Finance Department, the Administrative Departments of Sachivalaya, Heads of Departments and Heads of Offices would be immediately reduced.

Delegation of Powers

4.38. Rationalisation of Administration is unthinkable without appropriate delegation of work and responsibility at all levels. The Administrative Reorganisation Committee has referred to the tendency of the officers to whom powers are delegated to play safe and seek orders rather than accept responsibility and act on the powers delegated to them. At the other end, with the criticism of Government on occasion for acts of the subordinates, the line between actual and constructive responsibility for such actions at times gets thin. For this or for other reasons, it is seen that in an increasing number of matters, instead of decisions being taken by the Administrators in individual cases in the light of policy directives and guide-lines laid down by Government, all such individual cases are required to be referred to Government for the personal decision of the Minister. By way of example may be cited the grant of permission for change of tenancy of business premises along with the transfer of a running business under the Bombay Land Requisition Act, 1948 wherever it is applicable, the grant of *maida* to bakers and of rice to hoteliers, the sale of surplus grain, the fixation of transport contracts, the issue of milk cards in Greater Bombay and transfers of students from Medical Colleges outside the State to Government Medical Colleges in the State. Even in matters where powers vest in the executive authorities, as for instance, under the terms of a Sanad where a flat in a co-operative housing society to which land is given on concession basis by Government is to be transferred, the Collector who is the sanctioning authority in such cases is required to refer each case to Government for the orders of the Minister. It is beyond the scope of this enquiry to indicate what precise powers in individual cases may be exercised by Government and what powers may be delegated. But to the extent that such delegation, t ugh

feasible, is not resorted to, the load of work and the staff structure are bound to get inflated and to that extent rationalisation cannot be brought about in the structure of the administration. Delegation of powers and responsibilities to the maximum extent feasible and the exercise of such powers and responsibilities by those to whom they are entrusted are a key to the reduction of the size of the administrative machine.

Accommodation for Government Offices

4.39. Reference has been made elsewhere* to the need for providing adequate housing accommodation at Bombay and in the mofussil for Government servants who come to these places on transfer. The Administrative Reorganisation Committee has also observed that "as the acute scarcity of housing in certain places is causing serious hardship to Government servants and interfering with the functioning of administration, the provision of housing for its employees should be regarded as a primary responsibility of the State Government". The Committee's recommendation that, pending the construction of the required number of houses, Government should in certain places construct and run hostels has been accepted by Government.

4.40. The acute scarcity of office accommodation in urban areas, particularly in Greater Bombay, constitutes an equally, perhaps at times a more serious problem and, in some cases, even threatens to choke the normal functioning of the administration. A most glaring example is that of the Pay and Accounts Office, Bombay. The volume of work in the Pay and Accounts Office has increased concomitantly with the increase in the establishments of Government offices in Greater Bombay. But it has not been possible to provide the requisite additional staff because there is absolutely no additional space in which such staff can work. As against a floor area of 31,578 sq. ft. required, the office has a floor area of 22,107 sq. ft. only. Even this floor area is scattered over four or five different places with the result that much time and labour is wasted in carrying papers and registers from branches to the officers and back or from one branch to another. In result, the office is unable to clear the accumulated arrears. The shortage of accommodation thus almost threatens to cause a break-down in the normal working of the Pay and Accounts Office.

4.41. Accommodation is also a major problem for the district treasuries. For want of sufficient space in the treasury premises,

* Paragraph 6.6.

the Directorate of Accounts and Treasuries has been unable to introduce the cheque system of payment, which would considerably reduce the possibility of embezzlements.

4.42. Similar difficulties have been reported by the High Court in regard to accommodation for the Courts. The High Court has observed that it would refrain from making any proposals for sanctioning additional posts of Assistant Judges in the District Courts to cope with the pending arrears and the rise in the institutions, on account of the difficulty in finding accommodation for housing the courts of the additional Assistant Judges and that the necessary proposals in this behalf would be made after the position regarding accommodation improves. The High Court has also observed that the strength of the Presidency Magistrates in Greater Bombay cannot be increased though such increase is necessary, owing to lack of accommodation for their courts. Further, the High Court has informed Government that the strength of Judges in the Small Causes Court, Bombay, would have to be increased by not less than 10 Judges but necessary proposals in this regard have been withheld for a long time pending completion of the new building near the Small Causes Court under construction.

4.43. Apart from these difficulties of finding accommodation urgently needed for additional staff, the existing accommodation provided for many Government offices is inadequate in many respects. Some of the Government offices do not have even the basic amenities required for the employees as well as members of the public who visit the offices, such as waiting rooms, drinking water and privies. This has already come to adverse notice from members of the Bar in the case of Courts in Greater Bombay. In some of the lower courts which I had occasion to visit, it was quite pathetic to see that while a few (bug-ridden) chairs were available for the Bar, the litigants required to attend the court had to sit for long hours on bare benches without any support for the back.

4.44. It is necessary to draw up a phased programme of construction of additional office accommodation, preferably in the suburbs of Bombay and/or other cities where needed. Besides, whenever Government thinks of hiring office accommodation, it should see that an office is not housed in two or more different buildings but is located under the same roof and that basic amenities like decent seating arrangement, waiting roo and es are invariably provided.

the Report). This recommendation has been accepted by Government though a few exceptions have subsequently been made.

7.9. The arrangement in regard to the City and Industrial Development Corporation goes even beyond what the Administrative Reorganisation Committee considered undesirable. In this case, the Chief Executive of the Corporation, who has to handle all day to day matters, has been appointed as Secretary to Government. When even the association of high officials of Government with the Board of a Corporation (which is generally concerned only with broad policy matters) is considered in general to be undesirable, the appointment of the Chief Executive as a Secretary to Government is rather difficult to justify. At first sight, I am reminded of the nursery rhyme:

" Algy met a bear,
The bear grew bulgy,
The bulge was Algy ".

It may be that, with the personnel so far selected, and with the Corporation still in its infancy, a situation in which the Corporation comes to resemble the bear in this nursery rhyme has not arisen; but this is surely not enough. Public Administration has to be organised on rational principles and cannot be tailored to suit particular postings. No doubt, in regard to its activities which require scrutiny by Government, the Corporation may feel embarrassed if these activities receive independent scrutiny. Independent and proper scrutiny, however, seems most essential to ensure that the Corporation, in the zeal of its executive officers, does not drag Government into an abyss by precipitate actions which have avoided such scrutiny. I rec[illegible]mend, therefore, that the arrangement whereby the Corporatio[illegible] [illegible]vities and [illegible]roposals are subject to scrutiny by its own offi[illegible] e cloa[illegible] Secretariat Officers should be terminated fo[illegible] he ac[illegible] nd proposals should receive adequate in[illegible] ruti[illegible] e work is sufficientl[illegible]uminous to justif[illegible] ell[illegible] under an Under [illegible] or a Section [illegible] ea[illegible] a Branch or Cell [illegible] considered o[illegible]

7.10. Of the r[illegible] o Officers General Administ[illegible] ment, on in the work of t[illegible]. The necessary in orde[illegible] e re[illegible] Secretary who is [illegible] er[illegible] other post is that [illegible]

Persons and Secretary. The Officer holding this post also functions as Chief Electoral Officer for the State.

7.11. The question whether an Officer of Secretary's rank in the General Administration Department should function as a Director of Resettlement, a purely executive function related more to the work of the Revenue Department than that of the General Administration Department, has been examined in detail and it was considered whether the work could not be transferred to the Revenue and Forests Department, where it could be entrusted to a Joint Secretary. The resettlement of project affected persons is to be done mainly on land. Since the Revenue Department is concerned with land, as also with land acquisition where necessary, that Department is intimately concerned with the work of resettlement. The work is, however, of a complicated nature and other Departments are also intimately involved in it. The resettlement of project-affected persons could be on Government land or acquired land. Land acquisition has its own problems arising out of resistance from the occupants and consequent pressures of various kinds including litigation. Resettlement could also be on disforested land. After disforestation, the Revenue Department would step in for allotment of land to the prospective occupants. As, however, its primary *raison d'etre* is to conserve and maximise the area under forests, the long term objectives and interests of the Forest Department may be at variance with resettlement requiring disforestation. Resettlement is occasioned by activities of other Departments such as the Irrigation and Power or Buildings and Communications or Urban Development, Public Health and Housing Departments. The funds for resettlement may also have to be budgeted for and provided by the concerned Departments. But the Department's own immediate objective is fulfilled in the very moment when it gives rise to the problem of rehabilitation when it has secured the land of the persons ousted therefrom for its purpose. The originating Department responsible for the creation of the problem and for financing its solution may not, however, feel that urgency in securing a solution which is necessary to avoid hardship to the persons displaced from the lands and public clamour arising therefrom For these reasons it is necessary, at least as long as the present tempo of work remains, that a senior officer of Secretary's rank with the requisite drive and imagination is put in charge of the resettlement work in the General Administration Department so that he can also resolve conflicts and secure solutions from opposing or disparate forces at the Administrative level and where required

obtain prompt orders from the Chief Minister. When the major rehabilitation programmes have been fulfilled and the volume of work is substantially reduced, the question whether the resettlement work may not be transferred to the Revenue Department and attended to by an officer of Joint Secretary's or Deputy Secretary's status under the general guidance of the Revenue Secretary may be considered.

7.12. The Secretary functioning as the Director of Resettlement also functions as Chief Electoral Officer. As the Election Commission desires that the Chief Electoral Officer should be of the status of a Secretary to Government, the combination of the two offices is economical.

7.13. Besides the aforesaid two posts of Secretaries, having regard to the volume and complexity of the Personnel Administration handled by the General Administration Department and the large volume of other miscellaneous work including that relating to the Departments of Publicity, Rural Broadcasting and Tourism, an additional post of Secretary in lieu of the post of Development Commissioner proposed for abolition would be required in the General Administration Department.

7.14. A few changes in the subjects handled by the General Administration Department are also called for. As suggested later, the subject of financial rules governing the conditions of service of Government servants may be transferred from the Finance Department to the General Administration Department. The newly created Department of Cultural Affairs has been placed under the General Administration Department. As the activities of this Department are more akin to those of the Education, Sports and Social Welfare Department, the Department may be transferred to the control of the Education, Sports and Social Welfare Department.

The Finance Department

7.15. The Finance Department is the custodian of public revenue and the watch-dog over public expenditure. The performance of its functions has, over the course of years, resulted in a number of undesirable tendencies which are decried on all sides (including within the Finance Department) without anything having been done to correct them. Possibly the fault is not of the Finance Department or those constituting it; but is a result of accretion and inheritance, through the ages, of practices and modes of thought which tend to get set and lose their flexibility and ability to change with the surroundings.

7.16. As organised at present, the Finance Department consists of the Planning, Budget, Expenditure and Services sections. In addition, some Executive Departments like Sales Tax, Lotteries, Small Savings, etc. are also under the administrative control of the Finance Department. The expenditure sections, which may be considered first, are mainly concerned with the scrutiny of individual proposals of the Administrative Departments and of sanction to the expenditure and staff for carrying them out. The process of scrutiny in the Finance Department is so divorced from the scene of execution that on occasions it is not possible for the Department to do anything except to pin its criticism on trivia. Substantive points when raised by the Finance Department are at times met by assurances from the Administrative Departments the value of which the Finance Department itself is unable to assess. With the coming into effect of a large number of new schemes with entirely new sets of ideas, it is not surprising that the Finance Department has found it difficult to keep abreast of all these ideas and to base its criticism on the overall objective and structure of the schemes. The tendency, therefore, has been to attack those parts of the schemes which are familiar, namely, matters relating to staff, contingencies and perquisites; while leaving more substantial issues, more often than not, barely touched. The Administrative Reorganisation Committee has stressed the need for interchange of officers between the Finance Department and other Administrative Departments and the appointment of Internal Financial Officers for all large projects. I would go further and say that Internal Financial Advisers be appointed for each Department. These Officers will function as Advisers to the Secretaries in the respective Departments and will take over most of the functions of the expenditure division of the Finance Department. The status of the Financial Adviser should be fixed having regard to the workload of the Department. The administrative control of the Financial Adviser should remain with the Finance Department, but in all matters pertaining to the administration of the Department, the Secretary of the Department would have the benefit and participation of the Financial Adviser. In cases where the Internal Financial Adviser is not able to agree to the schemes or proposals which the Secretary of the Department considers worthwhile, the latter would have to obtain the concurrence of the Finance Secretary.

7.17. When cases of the latter type, viz., those in which the Financial Adviser is unable to concur with the proposals of the Administrative Department, are referred to the Finance Secretary,

further independent scrutiny of such cases afresh in the Finance Department would not be necessary, but it would be open to the Secretary of the Finance Department to obtain assistance from the Internal Financial Adviser in dealing with the case. The Internal Financial Adviser should be required to submit a Weekly Tabulated Statement of the cases which were agreed to in relaxation of the rules. On receipt of the Tabulated Statement, or otherwise, the Finance Secretary should have the power to call for the underlying papers and review the advice given by the Financial Adviser. If the Finance Secretary's advice, on such review, is not acceptable to the Administrative Department, it is open to it to obtain the orders of Government by following the present procedure for such cases.

7.18. The Finance Department also performs certain executive functions either directly or through Heads of Departments subordinate to it. These functions are those relating to (*a*) Directorate of Accounts and Treasuries, (*b*) Bureau of Economics and Statistics, (*c*) Commissioner of Sales Tax, (*d*) Commissioner for Small Savings, (*e*) Director of State Lotteries and (*f*) Government Insurance Fund. The Directorate of Accounts and Treasuries is a fairly recent development and the Director also functions as an Additional Secretary in the Finance Department.

7.19. Having regard to the need for a clear demarcation of the functions relating to policy making and implementation, it is felt that all Heads of Departments including the Director of Accounts and Treasuries should function outside the Secretariat. The need for a clear-cut demarcation of these functions has been recognised also by the Administrative Reorganisation Committee. The Directorate of Accounts and Treasuries while functioning outside the Secretariat may continue to remain under the administrative control of the Finance Department. The Insurance Officer who has executive functions could also be placed in the Directorate of Accounts and Treasuries.

7.20. At present there is a Commissioner for Small Savings with the Directorate functioning in the Finance Department. The Directorate performs mainly liaison functions with the Government of India Small Savings Organisation and also co-ordinates publicity for the movement and the field activities. The basic field activity is undertaken by the Revenue Officers at all levels though every department of Government is also expected to participate in the propagation of the movement. Therefore, it does not at all seem necessary that this Directorate should exist as

a separate entity. The publicity functions of the Directorate could be handled along with other Governmental publicity by the Director of Publicity. The liaison functions should be transferred to the Revenue and Forests Department in the Secretariat.

7.21. The Directorate of State Lotteries is functioning as a part of the Finance Department. This is a purely revenue earning activity and rationally a part of the Revenue and Forests Department. The appointment of Commission Agents and the distribution of lottery tickets has been entrusted to the Collectors who are already in close touch with the Revenue and Forests Department. The publicity part of the State Lottery Scheme could usefully be undertaken through the Directorate of Publicity.

7.22. The most important Department functioning under the administrative control of the Finance Department is the Sales Tax Department. Even as early as 1948, the Administrative Enquiry Committee recommended that Sales Tax should be dealt with in the Revenue Department (paragraph 98 of the Committee's Report) and this recommendation was accepted by the Government. In spite of that decision of Government, however, the Sales Tax Department continues to be under the administrative control of the Finance Department. In addition to the collection of sales tax, the department is also entrusted with the collection of taxes on sale of motor spirit and agricultural income tax. It would be rational and desirable to place the Sales Tax Department under the Revenue and Forests Department.

7.23. Lastly, the Bureau of Economics and Statistics has been placed under the administrative control of the Finance Department. As it is proposed that the Finance Department in its new form should continue to deal with the subject of planning, the existing arrangement may continue.

7.24. With the dispersal of the Executive Departments under the Finance Department and the appointment, as recommended, of Internal Financial Advisers in each Secretariat Department, the functions that will remain with the Finance Department will be Planning and the framing of general policy in relation to financial matters. The financial rules governing the service of Government servants are made by the Governor under the rule-making power vesting in him under the proviso to Article 309 of the Constitution of India. The General Administration Department is the Department dealing with the conditions of service of Gov[illegible]
It is appropriate that the General Admi[illegible]

should also be in charge of financial rules governing conditions of service of Government servants. This would also eliminate duplication of scrutiny of the various service matters which have financial implications. The Finance Department would thus be concerned hereafter mainly with matters relating to Planning, Development and overall financial policy. It would, therefore, be appropriate if it is re-designated as Planning and Finance Department.

7.25. The recommendation that the Administrative Departments of the Secretariat should function with Internal Financial Advisers to assist them in all financial matters within the provisions made in the Budget for that Department, does not mean that the location of the Branches dealing with the financial matters or schemes of the Department will merely be changed from the Finance Department to the Administrative Department. The Finance Department will lay down guide-lines, norms, etc. for Administrative Departments to follow in financial matters. These guide-lines and norms should involve substantial delegation of power to Administrative Departments, from Administrative Departments to Heads of Departments and to Heads of Offices. For this purpose, it will be necessary for the personnel of the Finance Department who will hereafter function in the Administrative Departments to be oriented into a broader outlook for which purpose it may even be necessary to give them special training in suitable institutions. The performance of each Department should be weighed not on the basis of minimum costs incurred but on maximum return for the amount spent. Further, the scrutiny now undertaken for admission of new items into the Budget by the Finance Sections in the Finance Department would be done by the Internal Financial Advisers in the Administrative Department. They would also act as Financial Advisers to Secretaries of the Administrative Departments in the exercise of the delegated powers.

7.26. The Planning and Finance Department in the new set-up will be doing evaluation to ascertain the utility of the projects undertaken. This evaluation will, no doubt, help in laying down guide-lines and norms to the Administrative Department for the exercise of the delegated powers. After the proposed arrangement is tried out for five years, it may be examined whether the Internal Financial Advisers should function entirely within the Administrative Departments with the Secretaries of the Administrative Departments having the right to over-rule them. The norms laid down at the initial stages should be subject to review at intervals of about five years after taking into consideration the

results of work study. The Work Study Teams will continue to function under the General Administration Department and these teams will, therefore, furnish their independent assessment of the needs of each department which could be used both by the Finance Department and by the Administrative Department concerned for regulating their day to day business. It would be desirable to augment the number of Work Study Teams in order to be able to keep up a continuous review of guide-lines and norms. To carry out this review the general principles regarding inventory control and procedures regarding purchases etc., could be evolved in the General Administration Department and this aspect of working of the department could also be made the function of the Work Study Teams. For this purpose the Work Study Teams could also be given training in Inventory Control and Management.

The Rural Development Department

7.27. At present the Zilla Parishads are required to deal with each Department of Government in respect of schemes pertaining to that Department which happen to be implemented in the Zilla Parishads. The organisation of the Zilla Parishad as a unitary body and the creation of a single agency at the village, taluka, block and district levels makes it desirable that a similar co-ordination of departments should be brought about at the next higher level, namely, the State Government's level in so far as the activities of the Panchayati Raj Administration are concerned. With the introduction of District Planning in which each Zilla Parishad would be expected to communicate direct with the State Planning Department and to fix its own priorities regarding the schemes of the various Departments which will presumably receive due consideration at the State level, the need for a co-ordinated approach to the problems seems to have been recognised to the full. Corresponding to this, there should be a similar approach at the State level which will ensure that the different parts of the programme being implemented by the Zilla Parishad are kept in view by a single agency while taking decision on matters which require decision at Government level. This can only be done when the Rural Development Department is made squarely responsible for processing all schemes received from the Zilla Parishads requiring Government orders. The Rural Development Department would, of course, consult the other Administrative Departments whenever such consultation is necessary, but the Rural De'elopmen Department itself should be in charge of the proce th cases and the issue of orders in respect of correspo ci

from the Zilla Parishads. All correspondence from the Zilla Parishads to Government will thus flow through the Rural Development Department instead of being distributed over all the Development Departments. This will facilitate Government decisions affecting the Zilla Parishads being taken in a co-ordinated manner.

The Food and Civil Supplies Department

7.28. The Food and Civil Supplies Department was set up as a temporary department. With the improvement in the food situation and the withdrawal of statutory rationing from all areas except Greater Bombay and Thana and also improvement in the production and supplies of other essential items such as sugar and kerosene, the justification for continuing the Food and Civil Supplies Department as a separate department would no longer subsist.

The Forest, Agriculture and Co-operation Departments

7.29. Elsewhere I have recommended considerable addition to the responsibilities of the Revenue and Forests Department. These additions may make that department rather unwieldy. It would, therefore, be appropriate if the Forest Department is separated from that Department and re-transferred to the Agriculture Department where it used to be in the past. While forests bring in revenue to the State, the *raison d'etre* of Forest as a Department is the conservation of the trees and the land (afforestation and deforestation) ; the revenue earning factor being only incidental. It would, therefore, be appropriate if the Forest policy is brought in tune with the general policy regarding utilisation of land and conservation of soil and water resources which are functions of the Agriculture Department. The Co-operation and Fisheries wing of the Agriculture Department could then be combined with the Civil Supplies Department with the residual functions of the Civil Supplies Department under a new Department, which may be called Co-operation, Fisheries and Civil Supplies Department, leaving the Agriculture and Forest Department to look after a cognate field of activity. The merging of Co-operation and Civil Supplies would also be useful as most of the monopoly purchase work and an increasing portion of the distribution work is done through co-operative agencies.

The Law and Judiciary Department

7.30. At every stage the question arises whether a particular action or proposal would be in conflict with the law. The Executive Departments as well as the Sachivalaya Departments have to keep

themselves abreast with the laws with which they have to be able to answer the aforesaid question promptly and satisfactorily. The Law and Judiciary Department, in these matters, should come in as an Expert whose opinion can be sought in important matters where there is serious doubt involving a question of interpretation. It is appropriate, therefore, that the relationship between the Law and Judiciary Department and the Administrative Departments should be of the nature of the relationship between the consulting physician and the general physician and not that between an Expert and the ignorant. It is, therefore, not only necessary that the Law and Judiciary Department should have a proper organisation, but it is equally necessary that the departments are sufficiently equipped to deal with the legal problems which arise on their first impact. Unfortunately, latterly this law business, if it may be so called, has developed more or less as if it was the business of a closed shop. With the separation of the Judiciary and the Executive, and with the Judiciary apparently at pains to assert its independent status, the main stream for the appointments in the Law and Judiciary Department is progressively drying up. The fact that a number of senior officers of the Law and Judiciary Department are re-employed pensioners is symptomatic of this drying up. While re-employment may be a temporary remedy, it is necessary to take corrective steps to ensure that in future the necessity for re-employment is done away with and that a steady source of skills necessary in this Department is always available to Government. It is to this problem that the recommendations which follow are mainly directed. In discussions with the Remembrancer of Legal Affairs and the senior officers of his Department, stress was laid by them on the difficulty of securing suitable recruits from the Bar. The plums available at the top there seem so attractive and plentiful that lawyers of some standing would scoff at a mere couple of thousand Rupees per month as emoluments, considering what would be left with them after they have been taxed. The question of the scale of remuneration required to attract the requisite talent to the Law and Judiciary Department cannot be considered for that Department in isolation but as a part of the general question of manning all technical and administrative posts in the various Departments. That question is in any case beyond the purview of this enquiry. My suggestions, therefore, are in the context of what would be feasible given the broad present structure of administration.

7.31. The work of Government is mainly that inis laws. Fortunately, therefore, Government is not th

of talent well versed in the administration of various laws. It should be possible to tap this pool for manning the posts in the Law and Judiciary Department. Government has already recruited lawyers as Police Prosecutors. Apart from these, whose main work is confined to Courts, there are other sets of officers who as administrators of laws get considerable opportunity to study legal systems and procedure and keep in touch with the law as it develops. Prominent amongst these would be the officers in the Revenue, Police, Sales Tax, Co-operation and Labour Departments. There may be other departments also but the aforesaid departments would probably be enough to start with. All these officers have to make a close study of the respective laws which they administer and, on occasion, to advise Government on various matters pertaining to these laws both in respect of drafting as well as in respect of implementation. It would be appropriate if the experience of these officers in administration of laws could be utilised in the Law and Judiciary Department. A closer liaison between the administering department and the legal department which would ensure exchange of officers after a period of deputation would also help to improve the quality of the administrators in regard to their knowledge of law and thus help to improve the quality of administration.

7.32. It is recognised that the tenure of these officers in the Law and Judiciary Department should be long enough for them to get a proper insight into the deeper technicalities of case law and of drafting. A minimum tenure should be prescribed for these officers. Accordingly, Police Prosecutors, Assistant Commissioners of Sales Tax, Assistant Commissioners of Labour, Deputy Collectors, Deputy Superintendents of Police and Deputy Registrars of Co-operative Societies, after having put in five years' service in their respective cadres, could be drafted into the Law and Judiciary Department as Under Secretaries with a minimum tenure of five years. At the time of induction, they may be given an assurance that in respect of any promotions which they may become entitled to in their parent departments while on deputation, they would be entitled to the benefit of the next below rule, unless in the meantime, they have secured a suitable promotion in the Law and Judiciary Department itself. They may be given the usual special pay for Under Secretaries in addition to their grade pay. Similarly, Collectors and District Superintendents of Police with a minimum of three years' service in their respective senior time scales may be taken up as Deputy Secretaries with the usual special pay on a tenure of seven years. Some of these

may already have a degree in law. The others, while they may have no formal degree, would have had sufficient familiarity both with Statute Law and Case Law in their respective spheres. It would, however, be necessary to put them through an orientation course which would concentrate on Jurisprudence, Interpretation of Statutes, the Constitution and the following Acts, namely, Transfer of Property Act, Contract Act, Sale of Goods Act, Partnership Act; and on the procedural side, the Codes of Criminal Procedure and Civil Procedure and the Evidence Act. This course may last for about six months and could be arranged in the Administrative Staff College or in the Government Law College. Apart from the persons taken up as above, lecturers and professors in the Government Law College could also be drafted into the Law and Judiciary Department.

7.33. Incidentally, though I may stray herein from the main subject of this Chapter, if the system of appointing junior lawyers as part-time lecturers in the Government Law College is replaced by a system of full-time appointments with prospects of being drafted into the Law and Judiciary Department and later for other posts to which reference will be made, the field of selection available for the Law and Judiciary Department would be correspondingly widened. The present system of appointing junior lawyers as part-time lecturers has the benefit, no doubt, of assuring some means of sustenance to the junior lawyers until they acquire a sufficient standing at the Bar. It cannot be said that it has much to commend itself from the point of view of education in law. Opportunities for promotion to full-time staff in the Government Law College would also serve as an incentive to suitably qualified persons to seek these appointments.

7.34. I am not excluding the present source from the Judiciary if suitable persons are available.

7.35. For a period of about six months after training, the work of the Under Secretary would be closely supervised by the Deputy Secretary. At the end of this period it is to be expected that the Under Secretary would be in a position to give an independent opinion on the basis of precedents, case law, etc. Thereafter, all opinions would normally be given at the level of the Under Secretary unless complicated matters are involved when the case may be put up to higher levels. There should be frequent informal consultation on points of interest in law between all officers of the Law and Judiciary Department so that the collective wisdom of the Department is drawn upon when advice is so for.

Sales Tax Commissioner. I had introduced monthly legal seminars which were attended by all Deputy Commissioners and Assistant Commissioners. A few days in the month set apart for such seminars when developments in different branches of law in the light of the latest judgments could be considered and prepared papers read and discussed would be well spent. Such work should be considered as an intrinsic part of the work in the Department and not as something extraneous to it. Senior officers of the concerned Departments in the Sachivalaya and in the Executive could also be invited to participate in these seminars in discussions pertaining to the Branch of Law which they administer.

7.36. In order to ensure that continuous arrangements for manning the available posts are made, it should be the function of the Remembrancer of Legal Affairs and Secretary, Law and Judiciary Department to plan in good time for replacement of officers whose period of deputation is coming to an end or who are superannuating, by drafting suitable officers and arranging for their training. For this purpose, suitable number of supernumerary posts could be created at the appropriate levels as and when necessary for the period of training. These suggestions were discussed broadly with the Remembrancer of Legal Affairs and Secretary, Law and Judiciary Department when the other senior officers of the Department were also present. The suggestion appeared to be acceptable in principle except that the Remembrancer of Legal Affairs desired that he should have a voice in the final selection of the officers to be deputed to his Department under this system.

7.37. At this stage it would be proper to refer to the proposals which the Remembrancer of Legal Affairs and Secretary, Law and Judiciary Department submitted to me for the reorganisation of his Department. He has proposed to follow the pattern of reorganisation adopted by the Law Ministry at the Centre. He refers to the need of an Officer-Oriented System. But I may say, with respect, that his proposal is more in the nature of an expansion at all levels than of an Officer-Oriented System, under which with the creation of senior posts and entrustment of direct responsibility to the senior officials, the lower posts for feeding the senior officials are dispensed with or are reduced. As against the existing 20 officers and 46 subordinate staff, the proposals call for expansion of the strength to 38 officers while the subordinate staff increases to 54. No data have been given regarding the volume and complexity of work to support the expansion on the scale proposed. On the other hand, the Remembrancer of Legal Affairs and Secretary himself

appears to be conscious that expansion on the scale proposed by him would not have sufficient objective justification. He has, therefore, observed that it is not proposed to create all the posts which he has canvassed for immediately but "the proposals give a broad idea about the future requirements of this Department". He has also not specified the duration by which these requirements would become necessary.

7.38. The Law and Judiciary Department has furnished the following data of receipts, disposal and arrears subsequent to the discussion with the Remembrancer of Legal Affairs and his senior officers :

Year	Legal Section			Non-legal Section		
	Receipts	Disposal	Arrears	Receipts	Disposal	Arrears
1965 ..	45,495	38,552	6,948	75,346	74,586	760
1966 ..	46,600	39,123	7,377	76,076	74,849	1,227
1967 ..	44,956	40,855	4,101	71,747	71,078	689
1968 ..	47,703	42,971	4,732	68,094	67,360	734
1969 ..	45,485	42,338	3,147	68,915	68,167	778

These data indicate that in the Legal Section the arrears in 1969 were less than a month's disposal and those in the Non-legal Section less than a week's. Besides, the volume of work is also not seen to be increasing.

7.39. In the present organisation, the Law and Judiciary Department is divided into three main Branches dealing with advice, drafting and litigation respectively. The branches function in water-tight compartments. Whether this system should continue and whether there is justification for it does not appear to have received any consideration by the Remembrancer of Legal Affairs. Those doling out advice would be conversant with the entire case law as it has developed in the particular spheres with which they are concerned. It is not understood why their knowledge is not availed of at the very first stage itself to find out whether a particular proposal for a new law or for a change in the law would stand the tests emerging from the latest case law. Drafting, no doubt, is a technical matter and requires a thorough knowledge of the nuances of phraseology and language. While the draftsman may keep himself abreast with the interpretation of particular phrases or sets of words, it may not be correct to expect that he would

have acquired the same expert and up-to-date knowledge of case law which the person dealing with advice is compelled to acquire. While at the later stages, the specialist draftsman would not only come into the picture but take charge, in order that the drafting is not done without a full comprehension of the case law on the subject, it seems desirable to associate the Branch dealing with advice in the preliminary stages of drafting. The present system of complete specialisation and division of the drafting and advice sides into water-tight compartments could perhaps be fruitfully replaced by a system under which proposals for drafting are entertained and dealt with at the preliminary stage in the Opinion Branch itself and are referred to the draftsman after being duly vetted therein. It is at this stage that the draftsman can take charge and then with the help of his expertise in drafting give a suitable final shape to the draft of the proposed legislation. Under this arrangement drafting would be completely officer-oriented. The only assistance that the draftsman would require is that of a Stenographer in addition, of course, to the usual assistance of the Library etc. Similarly, in regard to litigation, there is room for greater co-ordination between the experts in the Opinion Branch who have knowledge of up-to-date case law as it has developed in their specialised fields and those in the Litigation Branch who brief the Attorneys and Counsel.

7.40. The Opinion Branch could be suitably divided into sections such as those dealing with ordinary civil law, criminal laws, revenue and tenancy laws, labour laws, laws relating to local authorities, taxation laws, etc. Each of these sections may be in charge of an Under Secretary who should have the assistance of a Stenographer and a Searcher-*cum*-Assistant.

7.41. At present, there are two Under Secretaries in the Drafting Branch and in the Opinion Branch there are four Under Secretaries. Besides, there is an Officer on Special Duty in the Legislation Branch and five Superintendents in these two Branches together. For an officer-oriented system where the officers would themselves study the cases and give their opinion or provide a draft, as against the present seven Officers and five Superintendents, it may be sufficient if there are nine or ten Under Secretaries, each with a Stenographer and a Searcher-*cum*-Assistant for himself and one Assistant and two clerks in common for all for keeping movement of the case papers, etc. The Remembrancer of Legal Affairs could suitably distribute the work and, if necessary, split it into as many sections as there are Under Secretaries.

7.42. On the drafting side, there are two Joint Secretaries at present. There may be one Joint Secretary and one Deputy Secretary with their present staff. If the volume of drafting work which will necessarily have to be seen either by Deputy Secretary or Joint Secretary warrants more than these two officers, then an additional post of Deputy Secretary may be created on the drafting side with the requisite personal staff.

7.43. On the opinion side, there are three Deputy Secretaries, one of whom is for criminal law. They may continue. So also the post of Joint Secretary may be continued

7.44. There is an Additional Secretary in the Law and Judiciary Department who functions mainly on the opinion side. Once the officer-oriented system with the reorganisation proposed herein gets into its stride, it should be possible to expect the bulk of the opinion work to be dealt with by the Joint Secretary, the Deputy Secretaries and the Under Secretaries between them. A few important matters, no doubt, may still require the attention of the Remembrancer of Legal Affairs and Secretary, particularly those cases which may have repercussions either on the drafting side or on the litigation side and where the opinion of the Advocate General or other Counsel may be required But with suitably trained competent draftsmen in position on the drafting side also, the Remembrancer of Legal Affairs and Secretary should be in a position to attend to this work himself. The Additional Secretary's post would, therefore, be not necessary when the reorganisation of the department in the manner proposed has got into its stride.

7.45. In discussion with the Remembrancer of Legal Affairs and Secretary, Law and Judiciary Department, an impression was gathered that Government holds the Remembrancer of Legal Affairs directly responsible for the work of his Department whether it relates to opinions, drafting or litigation; the Remembrancer of Legal Affairs himself appears to look upon all the work as his direct responsibility. Looking to the complexity and volume of the work it must be recognised that it is clearly impossible for the Head of the Department to be charged with or to assume direct responsibility. In the more important cases which the Remembrancer of Legal Affairs has himself seen or been associated with, in whichever Branch they may have been dealt with, it may be proper for him to assume direct responsibility or for the same to be attributed to him. But in all other matters this Depar' ment, as any other Department of Government, m 'on the principles of division of labour and dele

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authority and responsibility. While constructive responsibility for the work delegated to the Joint Secretaries and others may remain with the Head of the Department who would be expected to exercise general supervision to keep every one on his toes, the direct responsibility would only be with the person who has actually handled the work or been associated with it. The function of the Remembrancer of Legal Affairs would appropriately be to ensure, to the extent that he has freedom of action, that appropriate persons are recruited or inducted, that they are given the necessary training and guidance, and are assigned the tasks suited to their specialities and talents. The Remembrancer of Legal Affairs would be expected to keep a watchful eye on the work being done by his officers and to give them necessary guidance.

7.46. In his note, the Remembrancer of Legal Affairs and Secretary has referred to the indexing of case law and of opinion. Each Under Secretary in the Opinion Branch may be expected to keep appropriate indices casewise, statutewise, etc. relating to the sphere of law handled by him. Copies of these indices could also be kept in a central place, preferably in the Library. Perhaps looking to the nature of the work and its importance, this section and the Library could well be placed under an Under Secretary who has both knowledge of law and has received some training in Library Science. If necessary, orientation courses could be given to a suitable person from the present staff.

7.47. After completing a five-year tenure, most of the Under Secretaries would shift to their parent departments where they would deploy the knowledge of law which they have gained in their day to day administration. A few who display a special flair for law may, however, be allowed to continue for another term preferably in a section different from the one which they were originally manning. When vacancies of Deputy Secretaries arise, these posts could be filled either by inducting Indian Administrative Service or Indian Police Service officers as already indicated or by promotion from among officers who have had at least five years' experience as Under Secretary in the Law and Judiciary Department whether they are at the moment working in the Department or not. A person selected for appointment as a Deputy Secretary (other than an All-India Service Officer) should be brought on to the Secretariat scale for Deputy Secretaries and his connection with the parent department should be terminated. Only those officers who are willing to accept the appointment on this condition may be considered for

this promotion. Further promotion as Joint Secretary may be made from officers who have put in a minimum of three years' service as Deputy Secretary. A minimum service of seven years in the Law and Judiciary Department, as Deputy Secretary or in a higher post, may be held to be essential for appointment as Remembrancer of Legal Affairs and Secretary, Law and Judiciary Department. The membership of Tribunals such as Sales Tax Tribunal, Industrial Tribunal, Co-operative Tribunal and Revenue Tribunal may also be a channel of promotion for Deputy Secretaries who have put in a minimum of three years' service as Deputy Secretary or above in the Law and Judiciary Department if these posts are not encadred in the Judicial Service as recommended elsewhere*. The rules on the subject would have to be suitably modified in order to enable this to be done.

7.48. Reference has been made earlier to the [illegible] who are to serve as one of the streams contributing to the cadre of Under Secretaries in the Law and Judiciary Department. At present there are no prospects of promotion for [illegible] and the reforms suggested [illegible] avenues of promotion. In order to [illegible] these posts it would be [illegible] Prosecutors are created in Bombay [illegible] criminal work in the Sessions Court. [illegible] with the Under Secretaries. At present [illegible] Sessions Court is looked after by [illegible] a panel of Advocates. [illegible] involved it appears [illegible] time workers would [illegible] Similar posts could be created [illegible] work is sufficiently heavy and [illegible] in a position to handle it. [illegible] Public Prosecutors [illegible] introducing this reform [illegible] under the administrative control of [illegible] Police and possibly [illegible] be detached and put under [illegible] able Head of Department [illegible] Prosecutions [illegible] which have already [illegible] the conduct of [illegible] officer.

* Paragraph [illegible]

7.49. Coming now to the Litigation Section of the Law and Judiciary Department, it is now divided into two branches, one dealing with the City Litigation and Conveyancing and the other dealing with the Mofussil Litigation. The City Litigation Branch is headed by an Additional Secretary and Solicitor and the Mofussil Branch by a Solicitor, Mofussil Litigation. In addition to the staff in the Sachivalaya, a well-known firm of Solicitors have been appointed as Government Solicitors for handling work on the Original Side of the High Court and the Writ Petitions on the Appellate Side. The Government's interests in the Courts are looked after in the districts by District Government Pleaders for the civil work and Public Prosecutors for the work in the Sessions Court. Usually, the District Government Pleader and the Public Prosecutor are the same person. He is assisted by Assistant Government Pleaders and Assistant Public Prosecutors. In Bombay, there is a Public Prosecutor for the Sessions work who is assisted by Special Public Prosecutors appointed to handle different cases from time to time from a panel of pleaders selected for the purpose. There is a Government Pleader in the Small Causes Court and also one in the City Civil Court. The latter is assisted by a panel of Assistant Government Pleaders. In the High Court on the Appellate Side, there is a Government Pleader who has a panel of Assistant Government Pleaders to whom the work which the Government Pleader is unable to handle is distributed. As a hang-over of the close co-ordination between the Executive and the Judiciary in the past, the appointments to these panels, it appears, are made on the recommendation of the High Court. The High Court Judges are not concerned with watching the interests of Government and it may not be appropriate to burden them with the task of selecting and recommending Advocates for the Government. On the Original Side, there is the Advocate General who is the principal Law Officer of the State but with his multifarious responsibilities and duties, it is clearly not possible for the Advocate General to appear himself in all the matters on the Original Side for Government. The system has developed, therefore, of certain persons working in the Advocate General's Chamber being engaged and entrusted with briefs on terms settled by the Attorneys. It may be examined whether it would not be more advantageous and economical to appoint full-time Advocates to assist the Advocate General.

7.50. From the point of view of rationalising the system, at first sight it appears that a unified cadre of Advocates for different Courts with chances of promotion for those recruited at lower levels would help to tone up the quality of representation for Government in the various Courts and enable better control over the

quality and output of the Advocates. Similarly, a direct agency system under which the Attorney's work is handled by full-time Government Solicitors would appear preferable to entrusting the work to a Firm of Solicitors as at present. The present system, however, has developed over the years and cannot be uprooted and replaced by a new system by a mere stroke of the pen. Besides, in the initial stages, there would be considerable difficulties to be faced by those in charge in building up the new system. It must also be conceded that the advantages are theoretical and the extent to which they would be achieved in practice would depend on several imponderables. For practical considerations, those charged with these responsibilities feel that the present arrangements with regard to the Government Solicitors ought not to be disturbed. I accept their views. The other suggestions are offered for further consideration and not as firm recommendations at this stage.

7.51. In discussions with the Remembrancer of Legal Affairs a suggestion thrown out by him was that the appointment of Legal experts in some of the major departments may be considered. The most important hurdle in the way of such a suggestion would be that of recruitment. As it is, the Law and Judiciary Department is unable to recruit the requisite personnel to man its own posts. Besides, if expert lawyers in various branches are to be recruited for the different administrative departments, naturally those who are already recognised as experts in those branches of law would have ideas about their remuneration which may be quite out of tune with those which Public Administration could offer. If the suggestions made herein for building up proper cadres and hierarchies of legal persons and of enabling the Law and Judiciary Department to draw from different streams of administration for strengthening its own personnel are accepted, a system of two-way traffic by which persons who have worked for a period in the Law and Judiciary Department are available to the administrative departments after a time would slowly evolve itself and this system would help to develop the legal side in the administrative departments.

7.52. Reference is required to the Branch of the Department work-ing at Nagpur. This branch, apart from house-keeping functions attends to criminal and civil litigation before the Civil and Criminal Courts in the Vidarbha region, the Nagpur Bench of the High Court and the Supreme Court of India. It attends to applications under Articles 226 and 227 of the Constitution, Industrial cases before the Labour Courts and Opinion Work (Criminal and Civil). The [illegible] is in charge of a Deputy Secretary. With regard to [illegible]

in the High Court and the Supreme Court of India arising in the region including applications under Articles 226 and 227 of the Constitution and opinion work, the independent working of this Branch at Nagpur gives cause for misgivings. The decisions of the Nagpur Bench of the High Court or of the Supreme Court on matters arising within the Vidarbha region may have far-reaching consequences as these decisions would be binding on the Administration even in the rest of the State. Generally, when these matters arise, the Regional Officers of the Departments are not able to deal with them independently and refer them to the Heads of Departments located in Bombay or Poona. These Heads of Departments after processing these matters often refer them to the Law and Judiciary Department in Bombay. But the latter passes on the babies to the Nagpur Branch. The advantages of specialisation and the expertise developed in the Sachivālaya and the guidance of the senior officers are not that readily available to the Branch at Nagpur. The territorial distribution of work between the Nagpur Branch and the Sachivalaya is bound to affect the quality of the work of the Nagpur Branch. While the Nagpur Branch may continue to handle the litigation in its final stages when matters are being heard in the Courts, there is everything to be said for the Law and Judiciary Department in the Sachivalaya exercising greater control over the work of its Nagpur Branch. When the matters are dealt with by the Heads of Departments, it is appropriate that their reference to the Law and Judiciary Department should be to the Sachivalaya and should be dealt with therein, which can thereafter give appropriate instructions to the Branch at Nagpur.

Ministers' Establishments

7.53. As regards the establishments of Ministers, Ministers of State, and Deputy Ministers, standard patterns of staff have been prescribed in Government Resolutions, General Administration Department, No. MIN. 1167/F, dated the 28th March 1967 and No. MIN-1169/F, dated the 4th November 1969. The work of this staff consists in keeping the movements of files going to or from the Ministers and Deputy Ministers, arranging their interviews, meetings and tours, attending to their correspondence etc. The statistics of the number of cases inwarded and outwarded in the offices of the Ministers etc. offer no guidance as to the workload of these offices. As, however, the staff works directly within the supervision of the Ministers and Deputy Ministers, it may be presumed that the latter would of their own accord take steps to reduce surplus staff as soon as an appreciable fall in work comes to their notice. Hence no recommendation in this behalf seems necessary.

7.54. Incidentally, cases have occurred in which files submitted to Ministers have been lost; the entries relating to such files taken in the Diaries of the Minister's office show the receipt of the files therein and thereafter they are unaccounted for. It is desirable *that when there are more than one Personal Assistants in the office of* a Minister, one of them should be designated as the person who will be held accountable for all the files received in the Minister's office. It would be for him to take a periodic physical census of the cases submitted for the orders of the Minister and to ensure that files are passed on promptly to the office concerned after the Minister has minuted on them and in the meantime to ensure that they are not mislaid or lost.

PART III

THE DEVELOPMENT ADMINISTRATION AND PANCHAYATI RAJ— DISTRICT LEVEL AND BELOW

CHAPTER 8

INTRODUCTORY

8.1. The development activities in the State are carried on at present by and through the Zilla Parishads and Panchayat Samitis as well as the Government Departments concerned with development. Broadly, development activities or schemes may be grouped as follows according to the agency to which they are entrusted :

(i) Schemes transferred to Zilla Parishads outright under section 100 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 ;

(ii) Schemes transferred to Zilla Parishads with their consent under section 103 of the Zilla Parishads Act ;

(iii) Schemes entrusted to Zilla Parishads on an agency basis under section 123 of the Zilla Parishads Act ;

(iv) Schemes executed by the State by requisitioning the services of officers and staff of Zilla Parishads and Panchayat Samitis under section 261 (2) of the Zilla Parishads Act ;

(v) Schemes which are carried out by the staff in the State Sector on behalf of Zilla Parishads ;

(vi) Schemes which are retained in the State Sector and implemented by the staff of the Government Department concerned.

8.2. In addition to the normal complement of staff for development activities in the State and Local sectors, Government has, from time to time, sanctioned staff in both the State and the Local sectors for several schemes separately according to a pattern determined by the State Government or suggested by the Central Government in a Centrally sponsored scheme. In result, there is a multiplicity of workers engaged in carrying out different in some cases, similar schemes in the same locali

8.3. The shape of the administrative machinery for dealing with developmental activities must depend on the structure of the Panchayati Raj institutions and the policy of Government with regard to democratic devolution. In Tamil Nadu there is a two-tier structure of Panchayati Raj. There are the Village Panchayats and above them the Panchayat Unions. There is an officer called Commissioner of Panchayat Union who is primarily responsible for carrying out the resolutions of the Union, but he works under the supervision of the Revenue Divisional Officer and the Collector from whom he obtains orders whenever necessary. The Revenue Divisional Officer is empowered under statute to issue directions to the Panchayat Union Council. The system adopted in our State is entirely different. We have a three-tier structure with Panchayats at the village level, Panchayat Samitis at the Block or Taluka level and the Zilla Parishads at the apex of the Panchayati Raj structure. It is implicit in this structure that all developmental activities to the extent feasible should be devolved on the Panchayati Raj institutions. As observed by the Administrative Reorganisation Committee, "The experience of the last four years has shown that the establishment of the Zilla Parishads and Panchayat Samitis has resulted in greater participation in development work". One of the main reasons for the creation of the Panchayati Raj institutions was to inspire and ensure greater and active public participation in developmental work. It follows as a consequence that all extension work should be done only through Zilla Parishads. The Committee further observed :

> "Certain technical departments of Government continue to have their own independent organisations in respect of some schemes, right down to the village level and this is sought to be justified on the ground that these schemes require higher technical skill which is not available with Zilla Parishads. The Committee is not inclined to accept this argument. The tendency to create parallel State organisations down to the Village level, if encouraged, will strike at the very root of the democratic decentralisation. The vertical organisation of technical departments of Government, at least in so far as extension work is concerned, should end at the regional level. The rest of the organisation should be under the Panchayati Raj institutions."

8.4. The aforesaid recommendation of the Administrative Reorganisation Committee has been accepted by Government. Some Departments of the State Government, it was noticed, have sought to spread their activities in spheres legitimately belonging

to the Panchayati Raj institutions and created a vertical organisation from the village level to the State Headquarters. Their organisation will have to be suitably cut to size and trimmed to bring it in line with the accepted policy and decisions of Government. The observation of the Administrative Reorganisation Committee that the vertical organisation of technical Departments of Government, in so far as extension work is concerned, should end at the regional level, does not mean that in all such cases the State sector organisation must necessarily extend to the regional level, but only that it need not extend beyond that level; it need extend to that level only when such extension is necessary and fully justified on technical grounds.

8.5. A fairly detailed study of development administration at all levels: Village, Block, District and Division, was indicated to ascertain the extent of duplication at present. This was done by three Work Study Teams. These studies had inevitably to be done on a representative sample basis; otherwise, not only would the work have been spread over several years, but as the studies progressed, the earlier studies would have become out of date.

8.6. The teams made a study of the working of the Zilla Parishads of Poona, Yeotmal, Aurangabad and Satara, and also some Panchayat Samitis and Village Panchayats in these Districts. The teams also studied the organisation in the State sector of the development departments at District and Divisional levels in Poona and obtained corresponding data from District level officers in Yeotmal, Aurangabad and Satara Districts. While the studies of the teams were in progress, I visited the teams along with the Deputy Secretaries (Administrative Reorganisation) and we had discussions with the teams as well as with officials and office-bearers of Zilla Parishads, Panchayat Samitis and Village Panchayats. The Study Teams as also the Deputy Secretaries and I have discussed various findings with a cross-section of officials and office-bearers of Panchayati Raj institutions throughout the State.

CHAPTER 9

THE VILLAGE LEVEL

The Village Level Workers

9.1. The Community Development Programme was inaugurated in 1952. A Gramsevak—multi-purpose Village Level Worker—was appointed for development work at the village level and he was to be in charge of it. After the introduction of Panchayati Raj, the Talati was converted into an Assistant Gramsevak and placed under the Panchayati Raj institution. He was also expected to be a part of the integrated cadre of Gramsevaks to look after all developmental activities. In 1965, the integrated cadre of Gramsevaks, which had not fully come into being, was again broken up and the Talatis reverted to the State sector. There was proliferation of other staff at the village level for specific activities, as for example, intensive cultivation, dry farming, utilisation of irrigation potential in the local sector and development of oilseeds, cotton, etc. in the State sector. The other Village Level Workers are: Auxiliary Nurse Midwife, Malaria Surveillance Worker, Leprosy Technician and Vaccinator.

9.2. In Shiroli Budruk, a village in Junnar Taluka, the following village level workers were operating in the agricultural sphere: an Assistant Gramsevak, Agricultural Assistant (Intensive Cultivation), Agricultural Assistant (Dry Farming), Agricultural Assistant (Oilseeds) and Agricultural Assistant (Potatoes). Similar examples elsewhere could be cited. With a number of field workers attending to different functions in a group of villages, each field worker has to spend considerable time in covering his relatively wide jurisdiction. Consequently, the time available for effective field work is limited. It was found that some of the programmes did not provide full time work for the Assistant. Further, the qualifications and the training of the incumbents did not justify separation of these functions. The Agricultural Assistants working on different programmes have almost the same or

similar qualification (generally Primary School Certificate with the two-year diploma in Agriculture). Similarly the different categories of Health workers, namely, Vaccinators, Malaria Surveillance Inspectors and Leprosy Technicians have similar qualifications, though they may have received slightly different training for short periods. It does not, therefore, appear necessary to differentiate between the functions allotted to the different categories of workers. The conclusion is irresistible that the practice of sanctioning posts for individual programmes has led to considerable overlapping.

Agricultural Extension

9.3. The Gramsevak is the basic worker at the village level working for all Panchayat and developmental activities. There are three categories of Gramsevaks, namely, Senior Gramsevak, Gramsevak and Assistant Gramsevak. The Assistant Gramsevaks are non-S.S.C. and are utilised mainly for Panchayat work. The Gramsevaks who are trained both in the law and the procedures of Village Panchayats and in Agriculture and other allied activities and who generally possess a recognised Diploma in Agriculture, attend to both Panchayat work and Agriculture and other allied activities. The posts of Senior Gramsevaks provide promotion prospects for the Gramsevaks, but are functionally not different from those of the Gramsevaks.

9.4. The Agricultural Assistants have mostly studied only up to the seventh standard (and have obtained a Diploma in Agriculture after a two-year course) and have no specialised knowledge of Village Panchayats or other extension work. The major agricultural programmes, namely, the intensive cultivation and hybrid and high-yielding varieties programmes, are carried out by Agricultural Assistants in the Intensive Cultivation Blocks and by Gramsevaks in areas outside such blocks. The performance of the two categories of workers was compared and it was found that the achievements of Gramsevaks in non-intensive areas were quite impressive; and in many cases the Gramsevaks had done far better than the Agricultural Assistants. The relative merits of Agricultural Assistants and Gramsevaks for Agriculture were specifically discussed with Block Development Officers and Agricultural Officers of the Aurangabad, Sillod, Soegaon, and Khuldabad Blocks of the Aurangabad Zilla Parishad. All of them were unanimous in the opinion that the Gramsevaks are far better qualified for extension work. In their opinion, the Gramsevaks who had to be entirely relied upon in non-intensive gave

a good account of themselves in spite of the large areas over which they had to operate. This observation is amply corroborated by the graphic representation of targets and achievements given in Annexure 1. The creation of an independent class of extension workers, namely, the Agricultural Assistant, appears to have impeded the efficient deployment of personnel and given rise to a feeling among some Gramsevaks that they are relieved of the responsibility for agricultural extension work.

Involving the Local Leadership

9.5. Experience in the Satara District also supports this conclusion. During the discussions with the officials of the Zilla Parishad and Block Development Officers of the Satara Zilla Parishad, it was stressed that the authority which a Gramsevak commands as a Village Panchayat Secretary and the contact he has with the villager enabled him to carry out his agricultural extension work more effectively than an Agricultural Assistant whose roots do not extend to the Village Panchayat. Entrustment of the activity to the Gramsevak involves the local leadership more closely and completely in the extension activity.

The Panchayat Work

9.6. The Gramsevak is, therefore, obviously the most suitable agency for carrying out agricultural extension along with other development work. The only question is whether he has the time to attend to this work in addition to his Panchayat work. This question was specifically examined with reference to the time devoted by Gramsevaks to Panchayat work. It was found that on an average not more than 3 hours per day are required for the Panchayat work. It should not, therefore, be difficult for the Gramsevak to attend to agricultural and other development activities. In practice, there cannot be a water-tight separation of the Panchayat and other duties of the Gramsevak. When a Gramsevak contacts individuals for recovery of Panchayat dues, he can also talk to them about family planning or new varieties of seeds or enquire why their children are not attending school, etc. He can thus combine several duties and also perform them more effectively by virtue of his contacts and authority.

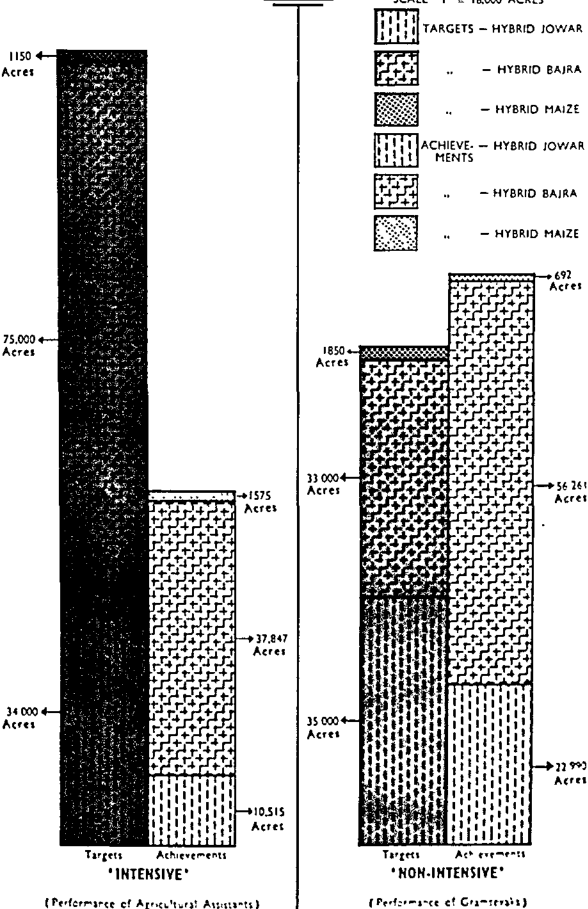
A Multipurpose Gramsevak

9.7. These findings would indicate the need for pooling together the existing village level workers, doing away with their

ANNEXURE I

(vide para 9.4)

TARGETS AND ACHIEVEMENTS IN 'INTENSIVE' AND 'NON-INTENSIVE' AREAS
DISTRICT : AURANGABAD



functional character so as to have fewer categories of workers, each with a smaller and compact territorial charge. It is understood that having regard to similar considerations, the Agriculture Department has already issued orders pooling the various posts sanctioned for extension work in oilseeds, cotton and sugarcane. Moreover, the "Reorganisation of Agriculture Department at Block and Village Level" approved under Government Resolution, Agriculture and Co-operation Department, No. AGE-3565-T, dated the 15th February 1966 (since held up) contemplated pooling of the various posts sanctioned in the State and Local sectors and placing the same under the Zilla Parishads. In his review note submitted to me, the Director of Agriculture has himself suggested the pooling together of the extension staff working in the Local and State sectors, though he has proposed that there should be a separate Agricultural Gramsevak at the village exclusively for agricultural extension. This aspect of the problem has been dealt with earlier, and for reasons given, it is my considered view that a multipurpose Gramsevak can function more efficiently than a worker exclusively intended for agricultural extension. I, accordingly, recommend that all extension programmes and schemes like fertiliser varietal trials and the work of collecting agricultural statistics should be transferred to the Zilla Parishads so that they can be dealt with by a single extension agency. The Administrative Reorganisation Committee's recommendation in paragraph 9.64 of its Report has already been referred to. The other agricultural activities in the State sector have been dealt with elsewhere*. For reasons given there, it is proposed to transfer all agricultural activities other than soil conservation either to Panchayati Raj institutions or to the Agricultural Universities. The only agricultural programme to be retained in the State sector at the village level would be soil conservation.

The Pooling together of the Staff

9.8. In February 1966, there were 3,131 Agricultural Assistants (including those in the State sector attending to agricultural extension), 3,653 Gramsevaks and 5,834 Village Panchayat Secretaries, and some additions may have taken place since then. The pooling together of these workers would give 12,618 workers for 22,037 village panchayats and a rural population of 288 lakhs. If the present strength is pooled and distributed, we would get roughly one village level worker for a little less than two Village Panchayats and a little more than 2,200 population.

* Chapter 15

The Deployment of Gramsevaks

9.9. I, therefore, recommend that for agriculture and allied development activities there should be only one multipurpose worker at the village level, namely, the Gramsevak. The total strength of Gramsevaks in a district should be arrived at on the basis of one Gramsevak for about 2,200 population. The strength so arrived at would then be suitably deployed by the Zilla Parishads, having regard to the population of the villages, the difficulties in respect of terrain, and also any special programmes being undertaken in particular areas.

The Cadre of Gramsevaks

9.10. The Gramsevaks' cadre at present is split into three categories, namely, Senior Gramsevaks, Gramsevaks and Assistant Gramsevaks. Among the Assistant Gramsevaks, there are those who were previously working in the Village Panchayats and who were absorbed as Panchayat Secretaries in 1962 when the Zilla Parishads were formed. There are also others who had been freshly recruited as Assistant Gramsevaks. The question whether it is possible to retain the Assistant Gramsevaks as a separate category in view of the saving resulting therefrom has been carefully considered. It is felt that having regard to the nature of duties to be performed by Gramsevaks and Assistant Gramsevaks as multipurpose workers at the village level, it may not be in practice feasible to differentiate between the Gramsevaks and the Assistant Gramsevaks in the allotment of work. The principle of rationalisation of administration, therefore, demands the integration of the cadre of Assistant Gramsevaks with that of Gramsevaks, though this may result in some addition to the financial burden. It is not, however, proposed that all the existing Assistant Gramsevaks should automatically be absorbed in the cadre of Gramsevaks and receive the higher emoluments as a matter of course. Those of the Assistant Gramsevaks recruited prior to 1962 as Panchayat Secretaries who have already attained the age of 45 may be absorbed in the cadre of Gramsevaks according to their seniority after they undergo successfully a reorientation course of about six months in agriculture and allied activities. The other Assistant Gramsevaks may be required to undergo successfully two years' course at the Gramsevak Training Centres and qualify themselves for absorption as Gramsevaks.

9.11. With regard to future recruitment of Gramsevaks, a uniform minimum qualification may be prescribed. Twenty per cent.

of the posts of Gramsevaks should be in the grade of Senior Gramsevaks to provide promotion chances for Gramsevaks. It would be worthwhile to confine the recruitment to those with the minimum qualification of S. S. C. and who possess in addition a University Diploma in Agriculture. Post-recruitment training in that case could be done away with except that orientation courses may be conducted from time to time.

Gramsevikas

9.12. Gramsevikas are working in some villages at present attending to social work of an ameliorative nature among women and children. It was observed that they are generally attending to matters like health, living habits, family planning, small savings, kitchen gardens, etc. These activities could be carried out by other village workers like Gramsevak and Auxiliary Nurse Midwife. There does not appear to be sufficient justification for a separate cadre of Gramsevikas. The posts of Gramsevikas may be abolished. The present incumbents, subject to their suitability, may be trained and absorbed as Auxiliary Nurse Midwives.

Public Health Activities—Different Categories of Workers

9.13. (i) Of the workers at the village level dealing with public health activities, the Female Field Workers give advice on Family Planning, distribute contraceptives, visit families and hold group meetings. They are not technically qualified. They, therefore, only work as advisers and propagandists. From discussions with the various officials and office-bearers, it appeared that the Female Field Workers being not very familiar with the village surroundings have not been very effective and there is little prospect of their becoming so under the circumstances as they exist in our rural areas. Other workers like Gramsevaks and non-officials play an important role in the Family Planning programme. The Female Field Workers having no technical qualifications are also not in a position to do any Maternity and Child Health work either, as is done by the Auxiliary Nurse Midwife. Some Female Field Workers have already been replaced by Auxiliary Nurse Midwives. It is, therefore, recommended that the cadre of Female Field Workers may be discontinued.

(ii) The Vaccinator carries out vaccination and immunisation work. Generally, he serves a population of 10,000 to 15,000. It was observed that the time he spends in actual work is very little. Much of his time is taken in going from house to house. Lack of proper supervision is also a major defect.

(iii) The Leprosy Technician carries out survey, education and treatment (S. E. T.) in the villages under the Leprosy Programme. His task is one of detecting the patients, making them take treatment continuously, educating the general public and creating a proper and sympathetic attitude towards leprosy work in the area.

(iv) The Malaria Surveillance Worker attends to a population of 10,000 to 12,000. He also moves from house to house, and if there are cases of fever, he collects blood slides. If a positive case is detected, further action is taken under the supervision and guidance of the Malaria Surveillance Inspector and other higher officials.

(v) The Auxiliary Nurse Midwife/Nurse Midwife attends to Maternity, Child Health and Family Planning. At present she is expected to cover a population of about 10,000 which is unrealistically large.

Basic Health Worker

9.14. The area of work of the different categories of Public Health staff named in the preceding paragraph is mostly the same. The same villagers are approached by these various functionaries. It is necessary to integrate the public health activities under a single functionary at the village level to avoid this multiplicity of workers and to secure effective coverage. The work done by these field workers, except the Auxiliary Nurse Midwife, is also not of a very specialised nature. A combined orientation course for a few months for the existing field staff would suffice to convert them into effective multipurpose workers. The present duties performed by the Vaccinator and the Malaria Surveillance Worker have already been combined and an integrated scheme put into operation at Wardha. It is recommended that all public health activities at the village level (except Maternity and Child Health) be combined and entrusted to a Basic Health Worker.

Nurse Midwife

9.15. The Basic Health Workers will not, however, be able to attend to Maternity and Child Health (M.C.H.) work. It is, therefore, necessary to have a Nurse Midwife for this work. At present, there are two separate cadres, one of Nurse Midwife and another of Auxiliary Nurse Midwife. There is little difference either in their qualifications or in the work they do. The Auxiliary Nurse Midwife is in a lower pay scale than the Nurse Midwife. The two cadres can well be combined into a single cadre of Nurse Midwife on a suitable scale. The Nurse Midwife will attend to Maternity and Child Health work, family planning work among women,

social activities among women and children, and assist in all public health activities in her area.

9.16. Thus, at the village level, there will be a Nurse Midwife and a Basic Health Worker engaged in Public Health work. The present Public Health staff working in various categories will have to be pooled together and suitably deployed. This will result in a Nurse Midwife and a Basic Health Worker being called upon to cover an unduly large population. The question of increasing the number of posts in order to give an effective coverage will have to be taken up bearing in mind the resources available. In the long run, subject to availability of resources, the aim should be to provide one Basic Health Worker for every eight to ten thousand population and one Nurse Midwife for every five to six thousand population.

Workers Required at the Village Level

9.17. To sum up, there should be only the following categories of workers for development work at the village level :

1. Gramsevak ... ... attending to village panchayats, development activities other than health, including agriculture, and assisting the other village level workers, covering a population of about 2,200.
2. Basic Health Worker ... attending to malaria surveillance, small-pox vaccination, leprosy S.E.T. (Survey, Education and Treatment) work, family planning work (excepting operations), health education (school visits etc.) and environmental sanitation.
3. Nurse Midwife ... ... attending to M.C.H. (Maternal and Child Health), [illegible] the Basic Health [illegible] and welfare of women and children.
4. Primary Teacher.

CHAPTER 10

BLOCK LEVEL ADMINISTRATION

Extension Officers

10.1. The second tier is the Panchayat Samiti at the Block/Taluka level. The Panchayat Samiti Administration is headed by a Block Development Officer. The Block Development Officer is generally assisted by one or more Extension Officers for each of the following subjects :

1. Co-operation
2. Industries
3. Social Education
4. Village Panchayat
5. Agriculture
6. Animal Husbandry
7. Education
8. Works.

There is no Extension Officer for Health, but a block has usually one or more Primary Health Centres each in charge of a Medical Officer.

In addition, there are Assistant Block Development Officers in a few blocks and Agricultural Officers (Class III) in blocks having intensive cultivation blocks and irrigation blocks.

Co-operation

10.2. At the Block level, there is generally one post each of Extension Officer (Co-operation) and Extension Officer (Industries). In addition, two or three Supervisors of the Co-operative Department attached to the Taluka Supervising Unions and one Assistant Co-operative Officer (Hybrid Scheme) work at the Block level. Most of the duties and responsibilities of the Extension Officer (Co-operation) and the Supervisors are overlapping.

10.3. The Study Team examined in detail the workload of the Extension Officer (Co-operation) at the Panchayat Samiti, Junnar. It also collected information regarding the workload of this officer in the districts of Yeotmal and Aurangabad.

10.4. It was noticed that the Extension Officer (Co-operation) does very little promotional work. There is little scope for such work at the village or block level, as a near-saturation point has been reached, especially in the case of primary societies. The Commissioner for Co-operation and Registrar of Co-operative Societies has pointed out that the credit structure now covers 99 per cent. of the inhabited villages and 90 per cent. of the cultivating population. He has also observed that from the point of view of scope for new organisation, the optimum level has almost been reached in certain types of societies, for instance, credit, marketing and handloom co-operative societies.

10.5. The other major item of work of the Extension Officer (Co-operation) is that of inspection of primary societies. In addition to inspection by the Extension Officer (Co-operation), these societies are also inspected by Supervisors under the District Deputy Registrar attached to the Supervising Unions (2 or 3 Supervisors in each Taluka/Block) and Inspectors of the District Central Co-operative Bank. There is no co-ordination in the programme of inspection by these different agencies. The form of inspection prescribed for the inspection by Supervisors is a detailed one as compared to the routine form used by the Extension Officer (Co-operation). The forms of inspection and visit report prescribed for Bank Inspectors are still more detailed and comprehensive. As the Extension Officer (Co-operation) has no power or authority to enforce compliance with his reports or to take action against defaulters, the supervision and control by the Extension Officer is not effective. Even the Co-operation and Industries Officer of a Zilla Parishad has no powers to enforce compliance or to take action against the defaulters. Persuasion is the only weapon with them; without sanctions, it is blunt. Before the formation of Zilla Parishads, the Extension Officers (Co-operation) in blocks used to be office-bearers of the Supervising Unions and members of the Ad-hoc Committee of the Taluka Supervising Union. At that time they used to be in constant contact with the Secretaries of societies. Now the Extension Officer (Co-operation) has little contact with the Secretaries of societies. It is, therefore, clear that the Extension Officer (Co-operation) has no effective role to play as an Inspecting Officer.

10.6. The Extension Officer (Co-operation) does very little work in securing credit facilities to societies/members. The Team examined the procedure for sanction of loans to co-operative societies for distribution to their members. The normal credit statements are prepared by the Group Secretaries, processed by the Supervisors and recommended by the Supervising Union to the branch of the District Central Co-operative Bank. The Extension Officer does not play any specific role in the process.

10.7. Each Extension Officer (Co-operation) is expected to inspect at least three fertiliser depots per month mainly for the purpose of checking accounts. Elsewhere* it has been recommended that the working of the fertiliser depots should be supervised by the Agriculture Department of the Zilla Parishad at the District level and by the Agricultural Extension staff at the Block level.

10.8. It is thus clear that the Extension Officer (Co-operation) has no effective or significant role to play at the Panchayat Samiti level. It is, therefore, not necessary to have a separate Extension Officer for Co-operation. The Extension Officer (Village Panchayat) can attend to such work relating to Co-operation as may have to be done at the Block level with the assistance of Gramsevaks.

Industries

10.9. The main job of the Extension Officer (Industries) is to assess the industrial potentialities of a block with respect to raw materials available, manpower, local habits, etc. On the basis of this assessment, training centres are set up or schemes started in the block. Thereafter, the only work of a recurring nature that remains is that of supervision and control over Industrial Training Centres, grant of financial assistance to individuals and Industrial Co-operatives under the State Aid to Industries Rules and maintenance of loan accounts. A review of the working of the Extension Officers at Junnar, Vaijapur and Pusad shows that, generally, an Extension Officer carries out 2 to 3 inspections of training centres or industrial co-operatives in a month and that the workload of loan accounts is not substantial. There is no justification for keeping an Extension Officer (Industries) in each block. The cadre may accordingly be abolished. The work may be transferred to the District Industries Officer under the Collector and *ex-officio* Deputy Industries Commissioner.

10.10. The Chief Executive Officers and other officers of the Zilla Parishads and the District Deputy Registrars with whom the

* Paragraph 11.62.

working of these officers was discussed generally agreed that the posts of Extension Officer (Co-operation) and Extension Officer (Industries) could be discontinued.

Social Education

10.11. The Social Education Area Organiser attends to recovery of social welfare loans, circulating libraries, Youth Clubs, Bhajan Mandals and similar activities. His workload is not adequate to justify the continuance of the post. His duties could be easily performed by the Extension Officer (Village Panchayat). The posts of Social Education Area Organisers may be abolished.

Mukhya Sevika

10.12. The Mukhya Sevika supervises the work of Gramsevikas. It has been recommended earlier that the posts of Gramsevikas may be discontinued. The posts of Mukhya Sevikas may also, therefore, be discontinued. It is understood that initially these posts were sanctioned as temporary additions to the cadre of Assistant Deputy Educational Inspectors, now designated as Extension Officers (Education). The Mukhya Sevikas should be absorbed in that cadre. Such of them as are untrained may be given the necessary training.

Village Panchayats

10.13. The Extension Officer (Village Panchayat) supervises the work of Village Panchayats in his area. The number of Village Panchayats allotted to each Extension Officer varies from place to place. At Junnar, he has to visit as many as 95 Village Panchayats, while at Soegaon, he has only 30 Village Panchayats. Some of the charges are heavy. It is necessary to have some degree of uniformity in the charges of Extension Officers (Village Panchayat). It is, therefore, recommended that each Extension Officer (Village Panchayat) should have 30 to 35 Village Panchayats, the Extension Officer (Village Panchayat) at Block headquarters being given not more than 15 Village Panchayats, as he would be required to attend to the office work pertaining to the Village Panchayat Section of the Block Office. The Extension Officer (Village Panchayat) should also attend to social welfare activities and co-operation as suggested earlier.

Agriculture

10.14. At the Block level there are one, two or three Extension Officers (Agriculture) depending upon the population. In addition, there is an Agricultural Officer (Intensive Cultivation) if the Block includes an intensive cultivation block. In the Satara Zilla Parishad, the Agricultural Officer (Intensive Cultivation) and the Extension Officer (Agriculture) are given independent territorial

charges and made responsible for implementing all agricultural programmes within their charge. They give guidance to and supervise the work of both Agricultural Assistants and Gram-sevaks working in their jurisdiction. The Agricultural Officer at headquarters is given a smaller charge around the taluka head-quarters and entrusted with the following additional duties:

(i) Supervision and co-ordination at the block level;

(ii) Allocation of village-wise targets under various programmes and preliminary arrangements for implementation thereof; and

(iii) Office work at the block level.

In other Zilla Parishads, the duties and jurisdiction of Extension Officers and Agricultural Officer (Intensive Cultivation) were not so clearly defined.

10.15. In the Junnar Block (Poona District), the jurisdiction of the Agricultural Officer and two Extension Officers extends over the entire block. The officers had an understanding among them that one of the Extension Officers would attend to office work including accounts. But, in practice, whosoever was available at headquarters attended to it somehow. An analysis of a month's touring of these officers is given below:

Designation		Field work (Hours)	Movement time (Hours)	Percentage of movement time to field time
Agricultural Officer (Intensive Cultivation).	...	54	32	59%
Extension Officer, I	...	84	37	43%
Extension Officer, II	...	117	45·5	38%

It is clear that the officers had to spend considerable time in movement and, to that extent, the field work done by them was reduced. The clerical and accounts work was not attended to properly and the office records were in disorder. Apart from the fact that inspections were neglected, the officers had no clear idea of the programmes to be supervised by them and of the functions to be performed by them and their subordinates. Consequently, the quality of supervision was poor.

10.16. In the Pusad Panchayat Samiti of the Yeotmal district, the area of the block (116 villages) was divided among the two Extension Officers (Agriculture). This was done as late as in October 1968. Till then each Extension Officer was in charge of the entire block. The responsibility for implementing the intensive cultivation and high-yielding varieties programmes in the villages included in the

intensive cultivation block was, however, that of the Agricultural Officer (Intensive Cultivation). The Agricultural Officer looked after the correspondence relating to the intensive cultivation programme, but did not attend to supplies, accounts, etc. This arrangement called for visits to the same village by both the Agricultural Officer (Intensive Cultivation) and the concerned Extension Officer (Agriculture). Office work and accounts were neglected for want of clear allocation of responsibility. The Agricultural Officer had not carried out any daftar inspections of Agricultural Assistants. He stated that no inspections were prescribed nor had his duties been formally defined.

10.17. The working of the Soegaon block of the Aurangabad Zilla Parishad was no better. In the Satara block of the Satara Zilla Parishad, the clear demarcation of areas led to noticeable improvement in the maintenance of accounts and office records. However, there was no significant improvement in supervision and control over the work of Agricultural Assistants and Gramsevaks.

10.18. The agency for extension at the village level, as recommended earlier*, would be the Gramsevak. At present the work of Gramsevaks and Agricultural Assistants is supervised by Extension Officers and the Agricultural Officer. Under Government Resolution, Rural Development Department, No. DSR. 2469-V, dated the 3rd July 1969, three grades and six pay-scales have been prescribed for officials looking after agricultural programmes at the block level. It is recommended that there should be only one class of supervisory officials above the Gramsevaks for 'Agriculture' to be called Agricultural Supervisors. The grade of Rs. 200—10—280—E.B.—15—400, which is one of the six prescribed pay-scales at present may, in my view, be appropriate for them.

10.19. The Agricultural Supervisors should not only supervise and control the work of Gramsevaks, but should also render direct help and guidance to progressive cultivators. To enable them to perform their supervisory functions properly, it will be necessary to have one Agricultural Supervisor for every ten Gramsevaks. Each Supervisor should have a clearly defined territorial charge. But if the staff required on this basis is out of proportion to the resources available with the Government and the Zilla Parishads, to start with, the number of Agricultural Supervisors may be limited to the total number of Extension Officers and Agricultural Officers working in the Local sector and the number of similar posts rendered surplus in the State sector as a result of the transfer of programmes to Zilla Parishads.

*Paragraph 9.9

10.20. In order to ensure that the function of giving technical advice to progressive cultivators is performed efficiently, it is necessary to see that only properly qualified and trained persons are appointed to these posts. It has been noted that generally Extension Officers are not graduates. Even some Agricultural Officers (Intensive Cultivation) are not graduates. It is recommended that fifty per cent of the posts of Agricultural Supervisors should be reserved for direct recruitment of agricultural graduates. The remaining fifty per cent of the posts should be filled by promotion of experienced and efficient Gramsevaks. These Gramsevaks should be required to undergo successfully special refresher or orientation courses to be conducted by the Agricultural Universities.

Animal Husbandry

10.21. The Extension Officer (Animal Husbandry) acts more as a supervising officer over the Veterinary Aid Centres than as an Extension Officer. With the location of Veterinary Aid Centres to cater to the needs of the villages in the interior and the establishment of Veterinary Dispensaries at Block headquarters, the quantum of supervision needed is not sufficient for a full-time officer at the Block level, nor is the status of the Extension Officer sufficiently high to make the supervision effective. It would be more appropriate if the supervision is entrusted to the Veterinary Officer in charge of the dispensary at the Block headquarters, and the present post of Extension Officer (Animal Husbandry) is abolished. A post of Livestock Supervisor should be attached to the headquarters dispensary to assist the Veterinary Officer so that the latter can tour and inspect the Veterinary Aid Centres.

10.22. Different types of institutions, e.g., veterinary dispensaries, veterinary aid centres, etc. cater for the Animal Husbandry activities within the Block Area. I shall now deal with them :

(i) *Municipal Veterinary Dispensaries in Vidarbha.*—Veterinary Dispensaries mainly cater to the animal population in the rural areas which is much greater than in the Municipal towns. Having regard to this and the lack of finances of the Municipalities, it would be desirable if all these Municipal Dispensaries were brought under the Zilla Parishads as early as possible. Since this is a discretionary function of the Municipal Councils, there should be no difficulty in persuading them to part with the control over these dispensaries and to see that they are transferred to the Zilla Parishads. Whether such transfer should be directly from the Municipal Councils to the Zilla Parishads or after the Government has taken them over in the first instance, is left for Government to decide.

(ii) *Key Village Centres of the former Madhya Pradesh pattern.*—In Vidarbha, certain Key Village Centres were sanctioned under the Old Madhya Pradesh pattern which, in fact, are today working as Veterinary Aid Centres only. They should be continued as Veterinary Aid Centres. I have later recommended* the transfer of even Key Village Centres to Zilla Parishads; these Veterinary Aid Centres should also be transferred to the Zilla Parishads.

(iii) *Supplementary Cattle Breeding Centres*—The Supplementary Cattle Breeding Centres are financed from the State funds for a staff of one Livestock Supervisor who is supposed to look after five sub-centres. At each of these sub-centres, there are one bull and five cows of a local cattle-breeder who is subsidised for the maintenance of these cattle. The work of looking after all the five sub-centres does not give full time occupation to the Livestock Supervisor. It would, therefore, be appropriate if the cattle-breeders are looked after by the Livestock Supervisor attached to the Veterinary Aid Centres. The same remarks apply to the Sheep and Wool Extension Centres which are set up by the Zilla Parishads. Merging of these activities with the Veterinary Aid Centres would render the Livestock Supervisors at these centres surplus.

(iv) *Supplementary Sheep Breeding Centres.*—The Supplementary Sheep Breeding Centres are located in areas where sheep development has the best prospects. At each of these centres, one ram and ten ewes are supplied at Government cost to a breeder who is expected to supplement the stock by purchasing 10 ewes. The maintenance cost of each sheep supplied by Government is met for five years, and it is expected that each of these farmers should sell 8 to 10 of the progeny of this stock. The Director of Animal Husbandry has himself proposed the transfer of these centres to the Local sector. The 17 posts of Livestock Inspectors would be located in districts where the prospects for sheep development are bright, and the District Animal Husbandry Officers of those districts may utilise them as Veterinary Officers. The Director has proposed to utilise 79 posts of Livestock Supervisors for setting up 79 Veterinary Aid Centres. This scheme would require the creation of 62 posts of attendants in addition to 17 posts already in existence. In my view, it would not be proper to establish additional Veterinary Aid Centres merely because a certain number of Livestock Supervisors are available when even a comprehensive survey has not been made to decide their location.

* Paragraph 16.19.

The activities at present carried out by the staff at the Supplementary Sheep Breeding Centres may be merged with those of the nearest Veterinary Aid Centres. If this is done, 79 posts of Livestock Supervisors and 17 posts of attendants may not be required for the present.

Education

10.23. The Assistant Deputy Educational Inspectors are designated as Extension Officers (Education). Their number varies from Panchayat Samiti to Panchayat Samiti depending upon the number of primary schools and primary teachers. Their main duty is to inspect each of the primary schools in the Panchayat Samiti area once and also to pay them two visits during the year. For this purpose, the schools are distributed among them equitably, as far as possible, keeping in view the distance, accessibility, etc. In addition to this inspection work, the Extension Officers are sometimes given other work by the Block Development Officer such as correspondence, enquiries, collecting statistical data, etc.

10.24. The number of Extension Officers (Education) was initially sanctioned at the rate of 1 for 40 schools in normal areas and 1 for 30 schools in inaccessible areas. A norm of 200 teachers is, however, followed by the Education and Social Welfare Department for examining proposals for sanctioning additional posts of Extension Officers (Education). These norms do not take into account the wide variations in the number of teachers in a school or the accessibility of the school. It is, therefore, recommended that the strength of Extension Officers (Education) should be determined on the basis of the following formula :

Schools with more than 5 teachers or those located in the interior or inaccessible areas would require two days for inspection. All other schools would require a day each. Visits will generally require one day per school. An Extension Officer (Education) can devote about 170 days in a year for inspections and visits. The number of days required for carrying out the prescribed inspection and visits in a year, namely, one inspection and two visits divided by 170, will give the number of Extension Officers (Education) required for the Block.

10.25. *Taluka Education Officer.*—There are a number of Education Officers in a Panchayat Samiti. All of them are engaged in inspection work of primary schools. The responsibility for office correspondence is, therefore, diffused. It appears to be desirable to designate the senior-most Education Officer as the

'Taluka Education Officer'. This Officer could look after the correspondence and also conduct important enquiries. As the Block Development Officer has to pay due attention to educational activities in his Block, there is a need for a chief assistant in this sphere who could co-ordinate the activities of all Extension Officers (Education). The inspection work allotted to him would have to be suitably adjusted having regard to his other duties. This system has been tried out in the Satara Zilla Parishad and has been found to work satisfactorily. It is, therefore, recommended for adoption in all Zilla Parishads.

10.26. Some complaints have been heard that Extension Officers (Education) were burdened with work other than that of their department and as a result their normal work of inspection suffered. Though it is true that some non-education work is being done by the Extension Officers (Education), the extent of this work is not such as to interfere with their normal duties seriously. The bulk of the extra-departmental work is done during the months of May and June when the schools are closed and, therefore, would not interfere with Inspection. Even during the rest of the year, it could be arranged that this work be done along with their normal inspection work, outside normal school hours, in the villages where they are halting. Public servants cannot insist that they would only attend to the work of their own department. It must be left to the authorities concerned to decide the optimum use which they can make of all public servants under them in regard to the various activities of such authorities. Care should be taken to see that in the ordinary course, extra-departmental work is done only within their respective jurisdiction. Extraordinary circumstances arising in emergencies may, however, justify a departure from this rule.

Works

10.27. The Works Department has a curious organisation. Under the Executive Engineer at the Parishad level, there are Sub-Divisional Officers in charge of Sub-Divisions. The Sub-Divisions attend to the works of Panchayat Samitis paid for from Panchayat Samiti funds as also the works of the Zilla Parishad carried out from Zilla Parishad funds and those executed by the Zilla Parishad on an agency basis. The Sub-Divisional Officer is deemed responsible to the Panchayat Samitis only in respect of that part of the Sub-Division's activities which relate to the Panchayat Samiti. The Zilla Parishads Act envisages the ex tion of all works in the Zilla Parishad through a Panchayat

Section 124 of the Act, in turn, says that any works or development schemes which a Zilla Parishad decides to execute or maintain shall be executed or maintained through the agency of a Panchayat Samiti in the district. The practice that has grown up of isolating the Panchayat Samitis from the works and schemes of a Zilla Parishad and getting them executed through the Sub-Divisional Officer who is held directly responsible to the Executive Engineer of the Parishad is thus contrary to law. The only reason for the development of this practice, as far as it can be inferred, is the reluctance of the Works Organisation of Government to be fitted into the statutory provisions and structure of Panchayati Raj. I cannot recommend, as I see no justification, for any amendment in the statutory provisions which are wholly in consonance with the spirit and objectives of the Act and the policy of Government. It is, therefore, necessary that the irregular practice should be replaced by procedures in conformity with the law.

10.28. The Sub-Divisional Officer should, therefore, be responsible to the Block Development Officer for all works in the Local sector in the Block. Where the workload is sufficient to justify a full-time Sub-Divisional Officer, he should function with his office at Block headquarters under the Block Development Officer. Where the workload of a block is not sufficient for a full-fledged Sub-Division, a Sub-Division may be shared by two or more blocks as may be necessary; in this case, the Sub-Divisional Officer should be stationed at a suitable location within his charge and should be responsible for the work in the different blocks in his charge to the Panchayat Samitis and the Block Development Officers of the respective blocks. He will continue to be responsible to the Executive Engineer for the technical part of his duties.

10.29. The staff for the Sub-Divisions may be drawn by pooling the technical staff sanctioned as part of the Divisional staff and of the Panchayat Samitis concerned. Norms of work and staffing pattern in terms of such norms have been recommended separately* for the Civil Engineering Departments of the State Government and the same norms and patterns should be adopted by the Works Department of the Panchayati Raj institutions also.

10.30. The Overseers working in the Panchayat Samitis designated "Extension Officers (Works or Rural Engineering)" are of three categories: Senior Extension Officers, Extension Officers and Junior Extension Officers. Wherever the workload is sufficient to justify a Senior Extension Officer, a Senior Extension Officer's post

* Paragraphs 25.7 and 25.22.

is sanctioned. The Senior Extension Officer (Works) may be authorised to accord technical sanction to works costing up to Rs. 20,000. Each Panchayat Samiti has two or three Extension Officers to look after all the works of roads, buildings, bridges, bandharas, wells, piped water supply, etc. undertaken within the Samiti area. All the Extension Officers work under the administrative control of the Block Development Officer and under the technical control of the Deputy Engineer.

10.31. There should be one Senior Extension Officer for every Panchayat Samiti and the number of Extension Officers and Junior Extension Officers will thereafter depend on the workload of the Panchayat Samiti. The Senior Extension Officer will have jurisdiction over the entire Panchayat Samiti in respect of his function of giving technical sanction to plans and estimates within the limits of powers delegated to him for the Panchayat Samiti. With regard to the actual execution, in view of the fact that the Senior Extension Officer will bear this burden, his own territorial jurisdiction should be smaller than that of the other Extension and Junior Extension Officers.

Medical and Public Health

10.32. Within each block, the following types of medical and public health facilities have been provided:

(a) Taluka Dispensaries and other dispensaries sanctioned by the State Government Medical Department;

(b) Taluka Dispensaries and other dispensaries sanctioned by the previous District Local Bodies;

(c) Subsidised Medical Practitioners located at certain centres by the Medical Department; and

(d) Primary Health Centres sanctioned under the Community Development Programme.

These Primary Health Centres were provided for under the Community Development Programme to secure the objective of co-ordinating the medical and public health facilities for the area of a block under such a centre. As it happened, however, in Western Maharashtra, the Block pattern was modified and the Block Development Officer was appointed at the Taluka headquarters and not at the Block headquarters. Since there were already dispensaries at the Taluka headquarters, the Primary Health Centre was shifted to some other place where it was considered that facilities were necessary.

10.33. The Primary Health Centres have been established fc providing both preventive and curative facilities in rural area covering a population of about 66,000 ; the aim is to have 1 Primar Health Centre and 3 Sub-Centres per 30,000 population in cours of time. In each block, in addition to the Primary Health Centre/ there were Government, District Local Board and Janpad Sabh dispensaries which have been transferred to the Zilla Parishad: (There are also dispensaries in Municipal areas established and mai tained by the respective Municipalities). It will thus appear th though medical and public health activities have been integrate at the Zilla Parishad level and are looked after by the Distric Health Officer and the Health Committee of the Zilla Parishad, i the Block there are still dispensaries which look after medic activities. There is little justification for continuing to keep th Medical and Public Health facilities separate in the field. Earlier it has been recommended that there should be Basic Health Worke and Nurse Midwives in the field under the direct contr and supervision of the Medical Officer-in-charge of the Primar Health Centre. Further, considering that by the end of the Thir Plan, the Primary Health Centres were covering a population c 75,000 to 80,000 each as against the initial target of 66,000, it i recommended that the existing dispensaries may be utilised fo providing preventive facilities also by upgrading them to Primar Health Centres as and when men and resources become availabl or by treating them as sub-centres of the neighbouring Primar Health Centres. The posts of Basic Health Workers, Nurs Midwives and Health Inspector/s may be made available t such dispensaries as suggested in the revised pattern. The area o the block may be suitably apportioned between the Primary Healt Centres and the dispensaries thus integrated.

10.34. As the responsibility for providing medical facilities in th Municipal areas is that of the Municipality concerned, the Zilla Pari shad dispensaries in the Municipal areas may be shifted to the rura areas gradually as the Municipalities take this burden upo themselves.

10.35. There are 5 to 8 Auxiliary Nurse Midwives at the Primar Health Centre including those for the sub-centres and the Famil Planning Programme. A Compounder, Vaccinators, Sanitary Inspec tors and Leprosy Technicians are also attached to the Primary Healt Centre. The number of Nurse Midwives and Basic Health Worker at the village level will increase on the basis of one for fiv

* Paragraphs 9.14 and 9.15.

to six thousand and eight to ten thousand population respectively as recommended earlier*. In addition to these workers, a co-ordinator, a computor and a store-keeper-*cum*-clerk-*cum*-accountant, work under the Primary Health Centre, specifically for the purpose of Family Planning. In some districts there are Health Mazdoors at the block level under the District Health Organisation Scheme. After the Malaria programme is transferred to Zilla Parishads, the Laboratory Technicians will also be attached to the Primary Health Centre.

10.36. The Health Mazdoors are expected to work as Sanitary Squads in villages. They are intended for digging manure pits, soak pits, removing refuse and manure outside villages, constructing gutters and disinfecting the wells and other sources of water supply. Such squads may have been necessary when the number of Primary Health Centres was small and the coverage by Village Panchayats was limited However, now there is a wide network of Primary Health Centres with Auxiliary Nurse Midwives, Vaccinators, Sanitary Inspectors and other health workers, who are attending to environmental sanitation in the villages. The Village Panchayats also, with the help of Gramsevaks and others, attend to cleanliness and sanitation in the villages. Thus the Health Mazdoors are not necessary. There was general agreement during discussions with Zilla Parishad Officers that this cadre need not be continued The Health Mazdoors may, therefore, be discontinued. They could be absorbed in other cadres.

10.37. In addition to the sterilisation camps organised by the Primary Health Centre in its area, Mobile Family Planning Units and Mobile Sterilisation Units operate in the same area for the same purpose. This overlapping may be avoided by directing the mobile units to the interior areas not covered by the Primary Health Centres. Moreover, there is no need to have two types of mobile units. One of the two mobile units may, therefore, be discontinued.

10.38. It was observed that, though the Medical Officer in charge of the Primary Health Centre is expected to visit sub-centres and supervise the work of the staff attached to the Primary Health Centre, very few of the Medical Officers seem to have paid serious attention to this aspect of work. They generally attended to out-door and in-door patients. At Narayangaon in Junnar Block it was noticed that the Medical Officer never visited any sub-centre. On the other hand, the Medical Officer at Dehu visited the sub-centres regularly. Non-avail

*Paragraph 9.16.

10.33. The Primary Health Centres have been established for providing both preventive and curative facilities in rural areas covering a population of about 66,000 ; the aim is to have 1 Primary Health Centre and 3 Sub-Centres per 30,000 population in course of time. In each block, in addition to the Primary Health Centre/s, there were Government, District Local Board and Janpad Sabha dispensaries which have been transferred to the Zilla Parishads. (There are also dispensaries in Municipal areas established and maintained by the respective Municipalities). It will thus appear that though medical and public health activities have been integrated at the Zilla Parishad level and are looked after by the District Health Officer and the Health Committee of the Zilla Parishad, in the Block there are still dispensaries which look after medical activities. There is little justification for continuing to keep the Medical and Public Health facilities separate in the field. Earlier*, it has been recommended that there should be Basic Health Workers and Nurse Midwives in the field under the direct control and supervision of the Medical Officer-in-charge of the Primary Health Centre. Further, considering that by the end of the Third Plan, the Primary Health Centres were covering a population of 75,000 to 80,000 each as against the initial target of 66,000, it is recommended that the existing dispensaries may be utilised for providing preventive facilities also by upgrading them to Primary Health Centres as and when men and resources become available or by treating them as sub-centres of the neighbouring Primary Health Centres. The posts of Basic Health Workers, Nurse Midwives and Health Inspector/s may be made available to such dispensaries as suggested in the revised pattern. The area of the block may be suitably apportioned between the Primary Health Centres and the dispensaries thus integrated.

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*Paragraph 9.16.

bility of the vehicle for the Medical Officer at Narayangaon was the main reason for his not visiting the sub-centres. Daily diaries and fortnightly or monthly reports of other workers are sent through the Medical Officer ; but very little attention is paid by him to these to find out the reasons why they are not able to achieve the targets allotted to them. This results eventually in unnecessary correspondence from the Zilla Parishad Office.

10.39. In addition to attending to the work at the Primary Health Centre, the Medical Officer in charge should have the responsibility for the proper discharge of all the health activities in the area attached to his Centre through the Basic Health Workers. It is understood that within a period of a year, all Primary Health Centres are likely to be manned by graduate Allopathic Doctors. It is further understood that as and when a graduate Allopathic Doctor is appointed in charge of a Primary Health Centre, the Centre becomes eligible for the supply of a UNICEF vehicle subject to other conditions prescribed by UNICEF.

10.40. It is emphasized that the role of the Medical Officer either at the Primary Health Centre or at the Zilla Parishad dispensaries should be not only to attend to the patients but also to supervise, guide and control all the public health activities in his area and to maintain discipline and co-ordinate the activities of the field workers. An intensive orientation course for this purpose is recommended.

10.41. At present, in addition to the Administrative Officer, Assistant District Health Officer, and the District Health Officer of the Zilla Parishad, (1) the Senior Sanitary Inspector (in some districts), (2) Superintendent of Vaccination, and (3) District Public Health Nurse at the Zilla Parishad headquarters supervise and inspect the health activities in the Blocks. While there are various Extension Officers at the Block Office, there is no Extension Officer for Health. If, as recommended, the Medical Officer in charge of the area is charged with the responsibility for the public health activities in his area, there would be no need to have Inspectors and Supervisors at the Zilla Parishad. It is, therefore, recommended that there should be inspecting agencies only at the Primary Health Centre or the Dispensary level to assist the Medical Officer in inspecting and supervising the Basic Health Workers and Nurse Midwives. One Health Inspector for five to six Basic Health Workers and one Public Health Nurse per Block should be provided for this work. There will be no separate co-ordinator exclusively for the Family Planning Programme. The computor and the clerk-*cum*-storekeeper

sanctioned for the Family Planning Programme should attend to all administrative and stores work of the Primary Health Centre.

10.42. As the Block Development Officer is responsible for all the development activities in the Block, the Medical Officer of the Primary Health Centre will be fully responsible for the public health activities in his area. He will be directly responsible administratively to the Block Development Officer at the Block level and to the Panchayat Samiti. Inspection reports of the Health Inspector and the Medical Officer with regard to the activities in their charge will be submitted to the Block Development Officer, those of the Health Inspector being submitted through the Medical Officer. In the discharge of his administrative responsibilities, the Block Development Officer will take the help of the senior-most Health Inspector located at the Primary Health Centre nearest to the Block headquarters. The work remaining at the Zilla Parishad level will be mainly inter-Block co-ordination and technical and administrative supervision of the Primary Health Centres.

Block Development Officer

10.43. In Panchayat Samitis having Tribal Development Blocks, the Block Development Officers are in the Deputy Collector's grade They are in the Tahsildar's grade in other Panchayat Samitis. Neither the posts in the grade of Deputy Collectors nor those of Tahsildars form additions to their respective cadres. Nor is there a separate cadre of Block Development Officers.

10.44. The Community Development Programme contemplated a Block Development Officer in charge of one Community Projects Administration pattern Block having an annual outlay of not more than Rs. 2·4 lakhs during its intensive phase. But, except in Vidarbha, the Block Development Officer's charge extended to a taluka which often consisted of more blocks than one, sometimes more than two. But even in the largest blocks, the expenditure envisaged under the Community Development Programme was not more than Rs. 7 lakhs or so. With the advent of Zilla Parishads and Panchayat Samitis, the resources of various Departments of Government for rural development activities started flowing through Zilla Parishads and Panchayat Samitis to the rural areas. The Zilla Parishads Act, in fact, requires that such schemes and works should be executed by a Panchayat Samiti either itself or through the Village Panchayats. Even though the Community Development Programme as such has commenced tapering off steadily, Government
passed on to the Zilla Parishads and Panchayat Samitis for

sectoral activities in rural areas far exceed the outlay on the Community Development Programme. The present level of the annual 'Local sector' outlay provided for in the State budget is of the order of Rs. 73 crores, of which less than Rs. 8 crores are accounted for by the Community Development Programme. Barring the overheads of the order of about Rs. 5 crores, the overall developmental expenditure annually incurred by Government through the Panchayat Samitis is of the order of about Rs. 68 crores. Besides, the Panchayat Samitis get about Rs. 2·8 crores by way of their share of the additional resources raised by Zilla Parishads by increase in the cess on land revenue. Thus, placing the Panchayat Samitis' total annual expenditure at an average of, say, Rs. 70 crores, the average annual outlay of a Panchayat Samiti is today in the region of Rs. 23 lakhs. This level of expenditure far exceeds even that of a Tribal Development Block with an expenditure pattern of Rs. 22 lakhs for the quinquennium of the intensive phase, which gives an annual average of Rs. 4·4 lakhs. Apart from this, every Panchayat Samiti is also required to execute a variety of schemes entrusted by Government to Zilla Parishads on an agency basis.

10.45. The Block Development Officer, in his capacity as Secretary of the Panchayat Samiti, has an important role. He is responsible to the Samiti and to the Chief Executive Officer and the Heads of Departments of the Zilla Parishad for all administrative and executive functions. He is expected to ensure proper budgeting of the receipts and expenditure, maintenance of accounts and preparation of annual administration reports. He is the sanctioning authority for schemes to be executed from block grants and is required to co-ordinate the work of different departmental functionaries at the Block level. He works as the chief executive authority in the Block and advises the Panchayat Samiti in arriving at its decisions. Looking to the present duties and responsibilities of this Officer, his Class II status does not give him sufficient authority to supervise and extract work from other officials at the Block level. As captain of the team at the Block level, he is required to be of Class I status. This status would also help him to pull his weight with the Heads of Departments at the district level.

10.46. Under Section 125 of the Zilla Parishads Act, powers have been given to the Chief Executive Officer of the Zilla Parishad to incur expenditure in individual cases not exceeding Rs. 10,000 in the case of non-recurring expenditure and not exceeding Rs. 5,000 in the case of recurring expenditure. The proviso to the section enables Government by notification in the official gazette to direct that the

powers of the Chief Executive Officer under this section may, to the extent specified in the notification, be exercised by any officer of or under the Zilla Parishad. With the status of the Block Development Officer raised to that of a Class I Officer, Government could conveniently, by notification, direct that the powers of the Chief Executive Officer under this section may be exercised by the Block Development Officer in individual cases up to Rs. 5,000 for non-recurring expenditure and up to Rs. 2,500 for recurring expenditure. The powers thus given to the Block Development Officers would always be subject to the allocations made to the blocks and the funds available with the blocks.

10.47. The responsibility of a Block Development Officer under the Panchayat Samiti is sufficiently onerous. The Block Development Officer will have to be an officer with wide administrative experience including experience in dealing with the public. It is also essential that young and energetic officers be selected for manning these posts. These officers must have an aptitude to appreciate the developmental needs of the people. It is, therefore, considered necessary that the posts of Block Development Officers, which are recommended to be upgraded to Class I, should be added to the cadre of the Deputy Collector. Officers from this cadre, when posted as Block Development Officers, should be required to receive a proper orientation course in developmental activities within a period of six months unless they have already undergone this course.

10.48. If the recommendation is accepted, it will be necessary to consider the absorption of those now working as Block Development Officers who do not belong either to the cadre of Administrative Officers, Tahsildars or of Deputy Collectors, in the cadres of Tahsildars and Deputy Collectors respectively. The conditions that should be prescribed for such absorption are a matter of detail which could be decided in consultation with the Public Service Commission.

10.49. The aforesaid recommendation would give rise to one other problem, namely, that of promotion prospects for the executive and ministerial cadres of the Zilla Parishads (other than technical). Two alternative suggestions could be offered as solution, namely:

(i) Extension Officers (Village Panchayat) who have passed the Departmental Examinations prescribed for the Ministerial cadre and have put in not less than five years' continuous service as Extension Officers (Village Panchayat) may be

sectoral activities in rural areas far exceed the outlay on the Community Development Programme. The present level of the annual 'Local sector' outlay provided for in the State budget is of the order of Rs. 73 crores, of which less than Rs. 8 crores are accounted for by the Community Development Programme. Barring the overheads of the order of about Rs. 5 crores, the overall developmental expenditure annually incurred by Government through the Panchayat Samitis is of the order of about Rs. 68 crores. Besides, the Panchayat Samitis get about Rs. 2·8 crores by way of their share of the additional resources raised by Zilla Parishads by increase in the cess on land revenue. Thus, placing the Panchayat Samitis' total annual expenditure at an average of, say, Rs. 70 crores, the average annual outlay of a Panchayat Samiti is today in the region of Rs. 23 lakhs. This level of expenditure far exceeds even that of a Tribal Development Block with an expenditure pattern of Rs. 22 lakhs for the quinquennium of the intensive phase, which gives an annual average of Rs. 4·4 lakhs. Apart from this, every Panchayat Samiti is also required to execute a variety of schemes entrusted by Government to Zilla Parishads on an agency basis.

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10.48. If the recommendation is accepted, it will be necessary to consider the absorption of those now working as Block Development Officers who do not belong either to the cadre of Administrative Officers, Tahsildars or of Deputy Collectors, in the cadres of Tahsildars and Deputy Collectors respectively. The conditions that should be prescribed for such absorption are a matter of detail which could be decided in consultation with the Public Service Commission.

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(i) Extension Officers (Village Panchayat) who have passed the Departmental Examinations prescribed for the Ministerial cadre and have put in not less than five years' continuous service as Extension Officers (Village Panchaya' a·

allowed to take the Revenue Qualifying Examination. The number of chances which they may be allowed to take etc. are matters of detail which could be decided by Government. Those who pass the Revenue Qualifying Examination could then be considered for appointment to the cadre of Tahsildar, a percentage of the promotion posts of this cadre being reserved for such candidates.

(ii) Extension Officers (Village Panchayat) with not less than five years' continuous service may be allowed to compete for the competitive examination for recruitment to the posts of Tahsildars, with suitable relaxation in regard to age and educational qualifications which Government could make.

Block Agricultural Development Officer

10.50. Elsewhere,* the transfer of Agricultural Extension activities including Agricultural Engineering activities with the exception of Soil Conservation to the Panchayati Raj institutions has been recommended. The allocation of territorial charges to the district level officials, which has been recommended, might improve the situation to some extent, but that by itself would not be sufficient. Looking to the dimensions and the variety of the work, it is necessary that a Class II Agricultural Officer should be posted in each block, who could be designated as a Block Agricultural Development Officer. He will be responsible for the implementation of all agricultural development programmes within the Block and will function under the Block Development Officer.

Panchayat Samiti Office

10.51. The Block Development Officer has considerable touring to perform and has also to attend to meetings of the Panchayat Samiti and the Zilla Parishad Officers. At present there is no responsible non-touring official at the Block headquarters, who can be of assistance to the Block Development Officer except the Aval Karkun attending to establishment and general supervision. Assistant Block Development Officers have been sanctioned in Yeotmal District recently. (The Tribal Development Blocks too have Assistant Block Development Officers). It is, therefore, recommended that there should be an Office Superintendent (Class III) to assist the Block Development Officer in office supervision and control, especially when the Block Development Officer is away. The Office Superintendent should be declared a Drawing

* Chapter 15.

and Disbursing Officer for the purpose of pay and allowances and office contingencies. The existing Assistant Block Development Officers in the Tribal Development Blocks and elsewhere are not necessary and, being also touring officers, give no relief to the Block Development Officer and hence may be replaced by Office Superintendents, who should always be available at headquarters.

10.52. On the basis of the study of the office staff of the Panchayat Samiti Offices, the following staffing pattern is recommended:

Accounts:	1 Deputy Accountant. 2 Senior Accounts Clerks. 1 Cashier (Junior Clerk). In addition the Block will have one Junior Clerk for every 2,000 loan accounts.
Establishment:	2 Junior Clerks.
Statistics:	1 Statistical Assistant.
Village Panchayats:	1 Junior Clerk.
Education:	3 Junior Clerks.
Works:	1 Senior Clerk. 1 Junior Clerk.
Agriculture:	2 Senior Clerks. 1 Junior Clerk (for godown).
Typist:	1 Junior Clerk.
Leave Reserve:	2 Junior Clerks.

No special posts have been suggested for Animal Husbandry and Public Health as the clerical work will be attended to by the staff at the Veterinary Dispensaries and Primary Health Centres. The staff indicated here will be suitable for an average Block covering 1 to 1½ Community Projects Administration pattern blocks. It would be necessary to make suitable adjustments in the case of very small blocks like Mahabaleshwar or large blocks like Karad.

CHAPTER 11

DISTRICT LEVEL ADMINISTRATION—ZILLA PARISHAD

Introductory

11.1. The Zilla Parishad is at the apex of the Panchayati Raj institutions. Its administration is in charge of the Chief Executive Officer. Its business is transacted in the following departments:

1. General Administration Department.
2. Finance Department.
3. Agriculture Department.
4. Education Department.
5. Works Department.
6. Co-operation and Industries Department.
7. Health Department.

The Chief Executive Officer is in direct charge of the General Administration Department. He is assisted by the heads of the other departments, namely, the Chief Accounts and Finance Officer, the Agricultural Development Officer, the Education Officer, the Executive Engineer, the Co-operation and Industries Officer and the Health Officer.

General Administration Department

11.2. In the General Administration Department, the Chief Executive Officer is assisted by the following officers:

1. Deputy Chief Executive Officer.
2. Revenue Officer.
3. Administrative Officer.
4. Planning Officer.
5. Social Welfare Officer.

11.3. The post of Revenue Officer was originally created when the talati establishment was transferred to the Zilla Parishad. As the talati establishment has since been retransferred to the

Revenue Department, the Revenue Officer is no longer concerned with the collection and administration of land revenue. The work relating to the transfer of Zilla Parishad and village cesses collected along with the land revenue by the State Government can well be looked after by the Chief Accounts and Finance Officer. Other work relating to Zilla Parishad taxes can be handled by the Administrative Officer. The post of Revenue Officer may be abolished along with the Revenue Branch.

11.4. The Administrative Officer is at present in charge of the Panchayat Branch. As suggested, he will be responsible also for the work relating to Zilla Parishad taxes. Where this work is sufficiently voluminous and remunerative to justify a separate Revenue Branch, it would be open to the Zilla Parishad to sanction such staff for this purpose as may be necessary from its own funds.

11.5. The Planning Officer is supposed to be in charge of Planning at the Zilla Parishad level. He is assisted by a Planning Branch, which deals with all work connected with plan schemes implemented through or by the Zilla Parishad. Section 100 (4) of the Zilla Parishads Act provides that "the Zilla Parishad shall endeavour to promote planned development of the District by utilising to the maximum extent, local resources and for that purpose prepare annual and long-term plans, regard being had to the plans already prepared by the Panchayat Samitis". The main items of work assigned to the Planning Officer are:

(i) distribution of various grants including block grants;

(ii) preparation of plan budget;

(iii) review of progress of and expenditure on plan schemes;

(iv) watching observance of terms and conditions on which plan schemes are entrusted to Zilla Parishads; and

(v) collection and processing of data relating to plan schemes.

11.6. In the course of the study carried out by the Work Study Teams, it was observed that there is very little *planning work* done at the Zilla Parishad level and that the Planning Officer attends mostly to the preparation of plan reviews and statistical work. This is not surprising, as the planning activity is such that it essentially needs to be carried out by the Heads of the Development Departments concerned and co-ordinated personally by the Chief Executive Officer. The Planning Officer is thus left with only the work of compiling various statistics received from the Statistical Assistants in the Panchayat Samiti offices and preparing material at the plan review meetings This work could easily be done by

Statistical Assistant in the Planning Branch. Similarly the other items of work mentioned, viz., distribution of grants, watching observance of terms and conditions on which plan schemes are entrusted to the Zilla Parishads, etc. could also be handled by the other Assistants in the Planning Branch. A Planning Officer of the Deputy Collector's grade would not be needed for this work.

11.7. The question whether the Planning Officer would have to play an important role in the future in view of the following circumstances has been considered :

(i) Government has decided to adopt the district as the basic unit of planning for purposes of detailed planning and in order to secure the balanced development of each district over a period of 15 years. For implementing this decision, it would be necessary to involve the district and local people directly in the process of the formulation of plans. According to the revised procedure set out in Government Circular, Finance Department, No. ADP. 1170-XXIV, dated the 29th November 1969, the Zilla Parishads will forward their proposals direct to the State Planning Department, which may hold a series of meetings with the Presidents of Zilla Parishads for discussing details regarding priorities, nature of schemes, resources, etc. The Zilla Parishad will, therefore, be more closely associated with Planning, implementation and review of Plan schemes than in the past.

(ii) It is proposed to transfer various development programmes at present in the State sector to the Zilla Parishads. This will increase the volume and complexity of the work relating to Planning to be done by the Zilla Parishads.

(iii) A separate officer at the Zilla Parishad level may be required for the formulation of the district plan and to pursue the various points mentioned in the questionnaire for district level officers. There will also be a direct flow of queries and counter-queries from the State level to Zilla Parishads to be handled by such officer.

(iv) In view of his various pre-occupations and heavy responsibilities, the Chief Executive Officer will not be able to discharge his responsibility in regard to Planning without the assistance of another officer of sufficiently high status.

(v) The question regarding the suitability of the available personnel for manning the post of Planning Officer need not be linked up with that of the necessity of the post. Even at present, right from the State level down to the district level, there are

a number of officers attending to planning work. These experienced officers could be available for manning the posts of Planning Officers. With their planning background and development outlook, they will be more useful than Statistical Officers who are likely to place greater emphasis on compilation and collection of figures only. The Planning Officer could also be trained by the Finance Department as in the past. It would have to be ensured that Planning Officers are not transferred at least for three years. A suitable recruitment rule for the post could be framed.

11.8. These considerations are examined below.

(i) The Government decision to adopt the district as the basic unit for planning and the revised procedure introduced by the Circular dated the 29th November 1969 are not altogether new developments. At the time of preparation of the Fourth Five-Year Plan, a similar procedure was adopted in that *ad hoc* Committees were set up at the taluka and district (as well as divisional) levels to prepare plans at the respective levels on the basis of the ceiling indicated in Government Circular, Finance Department, No. FFD. 1065-XXIV, dated the 15th January 1965 Plans were accordingly prepared at the taluka, district and divisional levels in which local leadership was closely associated It now transpires that these plans were not actually considered at the State level while formulating the Fourth Five-Year Plan. Be that as it may, the workload likely to result from the revised procedure now introduced would be not more than that actually handled by the Zilla Parishads at the time of preparation of the Fourth Five-Year Plan.

(ii) In the preparation of the Fourth Five-Year Plan at the Zilla Parishad level, the burden fell primarily on the Heads of Departments and Panchayat Samitis. A plan had to be prepared by each Panchayat Samiti and then integrated department-wise by Heads of Departments in departmental plans at the district level. The only function then performed by the Planning Officer and Planning Branch was to combine the individual departmental plans and place them before the *ad hoc* Committee at the district level. The collection of data, etc. had to be carried out at the taluka level by the Panchayat Samiti and at the district level by the departments concerned. The Planning Officer, as such, was not necessary for compiling the plans already prepared and [illegible] work was, in fact, carried out by the Statistical Assistant [illegible] his clerical subordinate staff under the supervision of th[illegible] ning Officer. The same work could have been carr[illegible]

the supervision of the Deputy Chief Executive Officer if the Planning Officer's post had not been in existence.

(iii) The increase in the development programmes of the Zilla Parishads in future as well as the volume of correspondence and statistical work are, no doubt, likely to increase the workload of the Zilla Parishad office. But the nature of this work is such as could be entrusted to a Statistical Officer. It will be more appropriate if the District Statistical Officer at present on the organisation of the Bureau of Economics and Statistics is transferred to the Zilla Parishad in order to give effective assistance to the Deputy Chief Executive Officer and the Chief Executive Officer. The District Statistical Officer and the Planning Branch could then be placed directly under the control of the Deputy Chief Executive Officer.

(iv) As explained earlier, effective planning can only be done by the Heads of Departments who are actively engaged in implementation of the various development programmes and it is futile to expect an outside agency to do any meaningful work in the sphere of planning. It would not, therefore, be worthwhile to bring in the Planning Officers at present functioning at different levels in the State sector.

(v) The Planning Officer of the Zilla Parishad at present does not have an adequate workload and it is observed that his services are being utilised for miscellaneous work.

It is, therefore, recommended that the post be abolished and the Planning Branch placed under the District Statistical Officer, who would function under the Deputy Chief Executive Officer. The responsibility for planning will be that of the Deputy Chief Executive Officer and, in the final analysis, of the Chief Executive Officer of the Zilla Parishad.

11.9. A chart indicating the proposed organisational pattern of the General Administration Department of a Zilla Parishad will be found at Annexure 2. It represents the pattern for an average Zilla Parishad of a size containing between 16 and 20 Community Projects Administration pattern blocks. The proposed pattern of organisation is explained below:

(*a*) The question as to who should carry out inspection of offices of the Heads of Departments and Panchayat Samitis was considered. At present, this work is done by the Chief Executive Officer and the Deputy Chief Executive Officer. It does not seem appropriate that the Deputy Chief Executive Officer should

inspect the offices of those whose official status and responsibilities are not lower than his own. It is desirable that the inspection of these offices should be carried out by the Chief Executive Officer himself. The inspection would also give an opportunity to the Chief Executive Officer periodically to get to grips with the problems of the particular departments and of the office of the Block Development Officer which he is inspecting. The detailed inspections can be carried out by the Administrative Officer with the assistance of the Branch and a draft inspection memorandum prepared. This inspection memorandum should be shown to the Heads of Departments of the offices inspected, who may make their observations in the margin of the same memorandum Thereafter the Chief Executive Officer will finalise the inspection memorandum in consultation with the Heads of Departments of the offices being inspected. The observations of the Administrative Reorganisation Committee in paragraphs 18.40 to 18.42 of its report would be valid for the inspection by the Chief Executive Officer and the Administrative Officer. The Administrative Officer could carry out the inspection of the Village Panchayats independently as he has already been notified as the District Village Panchayat Officer. He should also deal with other miscellaneous enquiries entrusted to him from time to time. As the burden of inspection is on the Chief Executive Officer, it is suggested that he may not inspect in any particular year those offices of Heads of Departments or Block Development Officers as are taken up by the Commissioner.

(b) The Administrative Officer will be essentially a touring officer handling inspection of Heads of Departments, Panchayat Samitis and Village Panchayats as also miscellaneous enquiries which arise from time to time. He will also function as Head of the Department in relation to the Community Development Schemes. The staff connected with the Panchayat inspection has, therefore, been placed under him. Since he is a touring officer, one Sectional Officer and one Superintendent are proposed ; one for the Inspection Branch and the other for the Panchayat Branch.

(c) The Deputy Chief Executive Officer will function essentially as a Deputy to the Chief Executive Officer and Secretary of the Standing Committee of the Zilla Parishad, etc. He should, therefore, be a non-touring officer. Being a non-touring officer at headquarters, he is likely to spend a considerable portion of his time in dealing with visitors, among whom would be Zilla Parishad members, Panchayat Samiti members and other local leaders. This

the supervision of the Deputy Chief Executive Officer if the Planning Officer's post had not been in existence.

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(c) The Deputy Chief Executive Officer will function essentially as a Deputy to the Chief Executive Officer and Secretary of the Standing Committee of the Zilla Parishad, etc. He should, therefore, be a non-touring officer. Being a non-touring officer at [illegible] quarters, he is likely to spend a considerable portion of [illegible] dealing with visitors, among whom would [illegible] members, Panchayat Samiti members and other [illegible]

will consume a major portion of his time. It is proposed to make him responsible for the Parishad Branch, the Establishment Branch, the Registry and typing pool and the Statistical Branch. Since, however, much of his time will be taken up by visitors, it will be necessary to provide a Sectional Officer in the Establishment Branch and a Superintendent in the Parishad Branch.

(*d*) The staff requirements for the receipt and despatch section would have to depend on the way the section is organised. One of the alternatives considered was the system in which a common registry would function for the whole of the Zilla Parishad, with only a few demi-official letters and telegrams being despatched directly by individual departments. The second alternative was that in which each department would have an independent registry. It was felt that where the Zilla Parishad was functioning in one building or a group of buildings in one compound, it would be desirable to have a common registry, with despatch of urgent communications only being handled by individual departments.

(*e*) The Central Registry, wherever it functions, will send a copy of the distribution list together with the tapal to each department. A senior official of the department will classify the receipts branch-wise and obtain the date and initials of the Branch Officer in his copy of the distribution list. The Branch Officer would then distribute the tapal to each of the dealing hands who would prepare individual worksheets. A senior clerk will have to be provided in the Central Registry to classify the receipts according to departments. The receipts will then be listed in duplicate, department-wise. For this purpose, receipt clerks at the rate of one per 150 receipts per day will have to be provided. The number of despatch clerks will be determined on the basis of one clerk for an average of 100 despatches per working day.

(*f*) Where a separate registry is provided for each department, junior clerks should be provided at the rate of one for 150 receipts per day. Junior clerks should be provided for despatch at the rate of one per 100 despatches a day. Where the workload is inadequate even for providing one junior clerk for despatches or receipts, the two functions may be combined into one.

(*g*) It is necessary to provide staff for a centralised Record Room for all headquarters offices of the Zilla Parishad. One senior clerk and one junior clerk should be provided for the purpose and they should work under the Deputy Chief Executive Officer. All records other than 'D' class papers will be sent to the Record Room after the cases are closed.

11.10. The activities of the Social Welfare Department have not been dealt with so far, as it has no organisation at the village or block level. At the district level, there is a Social Welfare Officer assisted by two Social Welfare Inspectors and a limited clerical staff The function of this officer is to look after the welfare of the backward classes.

11.11. The welfare of backward classes depends upon their receiving a proper share of the benefits under normal development schemes of the State Government as also obtaining the special benefits which the State provides for them. Of the special schemes for backward classes, certain schemes connected with educational facilities are being implemented by the Director of Education and others by the Director of Social Welfare. Certain schemes connected with economic uplift are being implemented through the Director of Agriculture, whereas others are being implemented by the Director of Social Welfare As a result, at the Zilla Parishad level, certain schemes of educational facilities and economic uplift for backward classes are being implemented through the Education Department and the Agriculture Department respectively, whereas other schemes are being implemented by the Social Welfare Officer. In the case of schemes implemented by the Agriculture Department and the Education Department, the field staff is available for implementation from the village level upwards. In the case of schemes implemented by the Social Welfare Department, however, no separate field staff is available. The manner of implementation of such schemes tends to vary from district to district. In certain districts, all schemes handled by the Social Welfare Officer are being implemented by the Social Welfare Officer himself or his staff or his Inspectors. In other districts, these programmes are being implemented through the existing field staff of Gramsevaks and Extension Officers (Social Education) at the Panchayat Samiti level. All subjects in relation to Social Welfare stand statutorily allotted to the Standing Committee of the Zilla Parishad under section 92(*1*) of the Zilla Parishads Act. The Social Welfare Officer is *ex-officio* Joint Secretary of the Standing Committee, *vide* section 79(4) of the Zilla Parishads Act. The Administrative Reorganisation Committee had recommended the formation of a separate Social Welfare Committee of the Zilla Parishad (recommendation 9.6). This recommendation has been accepted by the Government and it is understood that the requisite amendment to the Zilla Parishads Act is being placed before the Legislature. The Deputy Chief Executive Officer, who now attends to the Soc. Welfare work in the Standing Committee as its Secretary,

well attend to it as Secretary of the Social Welfare Committee, if and when separately constituted.

11.12. Taking into account the existing duties and functions of the Social Welfare Officer and the objectives of the Department, it is suggested that the following reorganisation be carried out:

(*a*) All Social Welfare schemes connected with the provision of educational programmes, whether budgeted for under "28-Education" or "39-Miscellaneous", should be implemented through the Education Department of the Zilla Parishad.

(*b*) All programmes connected with economic uplift should be implemented through the respective departments , where the respective departments are not represented at the village or block level, such programmes could be handled by the Extension Officer (Village Panchayat) and implemented through the Gramsevaks.

(*c*) With regard to the funds placed at the disposal of the Zilla Parishad under the different Social Welfare schemes, the Committees of the Zilla Parishad make allocations for each block. With regard to the *modus operandi* for expenditure within the block, elsewhere* it has been recommended that the Block Development Officers be authorised by notification in the Gazette under section 125 of the Zilla Parishads Act to exercise powers to incur expenditure not exceeding Rs. 5,000 in the case of non-recurring expenditure, and not exceeding Rs. 2,500 in the case of recurring expenditure. It would be administratively convenient for the actual sanctions in individual cases under this scheme to be dealt with by the Block Development Officer at the block level taking into consideration the overall allocation of the funds for the block.

(*d*) Since the Social Welfare Officer himself is not a technical officer, his inspection work, purely administrative, could as well be carried out by the Block Development Officer. The only technical inspections involved are on the correctional side for which separate** proposals are being made in the State sector. The inspection of hostels, balwadis, etc. could be carried out by staff under the Education Department; the number of these institutions should be taken into account while determining the strength of the extension staff, as per the recommendation in paragraph 10.24.

With the Social Welfare programmes implemented through the field staff of various departments at the Panchayat Samiti level and below, a separate Social Welfare Officer will no longer be necessary at the district level.

* Paragraph 10.46.

** Paragraph 20.23.

11.13. I have carefully considered the question whether, apart from *administrative* considerations, it is desirable to have a Social Welfare Officer at the district level in order that the interests of the Backward Classes *may receive adequate consideration. In* the light of my own experience in the field of amelioration of the Backward Classes, which is not inconsiderable, I feel that this objective can be secured only if the leadership of the Zilla Parishads and Panchayat Samitis on the one hand and the top administrators, namely, the Chief Executive Officer and the Block Development Officers on the other, are ever alert to its importance. The mere existence of a Social Welfare Officer with little weight and less authority cannot make any material contribution to the welfare of the Backward Classes. I, therefore, recommend that the post and the Social Welfare Department at the district level may be abolished.

Finance Department

11.14. *The Chief Accounts and Finance Officer* is assisted by an Accounts Officer in Class II. The Chief Accounts and Finance Officer acts as a Receiving and Paying Officer, frames the Zilla Parishad budget and compiles the accounts. As a Primary Auditor, he is responsible for checking the initial accounts and, as a Financial Adviser to the Parishad, for giving advice in all financial matters. No financial sanction can be issued by a Zilla Parishad authority without prior consultation with him. The Chief Accounts and Finance Officer is responsible for the maintenance of the accounts in respect of the District Fund. So far as the schemes entrusted to the Zilla Parishad on agency basis under section 123 of the Zilla Parishads Act *are concerned, the system of accounting* that has been devised leaves the Finance Department out of the picture. The same is the case in respect of schemes for which the services of the Zilla Parishad Officers are requisitioned under section 261 (2) of the Zilla Parishads Act.

11.15. The present system of accounts envisages that the Heads of Departments should maintain schemewise accounts and later on reconcile the totals with the headwise accounts maintained in the Finance Department. Under the Rules framed under the Zilla Parishads Act, the responsibility for maintaining the accounts is clearly that of the Chief Accounts and Finance Officer. The work of reconciliation which the present system entails is unproductive and can be avoided altogether, if the responsibility for accounting is placed on the Finance Department as envisaged in the Rules. This would mean that the primary schemewise accounts themselves would be maintained by the Finance Department. At

well attend to it as Secretary of the Social Welfare Committee, if and when separately constituted.

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the Block level, the Deputy Accountant would be responsible for proper maintenance of these accounts. Once adequate care is taken to ensure that the expenditure is properly classified when passing the bills, the need for further reconciliation would disappear.

11.16. The Deputy Accountant, at the block level, similarly, pays attention to the accounts of the District Fund only, and the accounts of the agency schemes and those executed through requisitioned officers are not required to be attended to by him. It is not possible for the Zilla Parishad at any moment to say what the Blocks owe to it or what it has to pay to Government in respect of seeds, fertilisers, etc. While piecemeal efforts appeared to have been made to improve the accounts elsewhere, the Satara Zilla Parishad has attempted to evolve a proper system of accounts.

11.17. The salient features of the system followed by the Satara Zilla Parishad are as follows :

(1) Detailed instructions about maintenance of trading accounts at the district and block levels are issued by the Finance Department.

(2) The records to be maintained by the Agricultural Assistants, Gramsevaks and Assistant Gramsevaks are clearly specified in the brochure issued for their guidance.

(3) By providing for maintenance of block-wise accounts at the district level and the opening of a separate account for each village level worker, the system has made it possible for the Zilla Parishad and the Block authorities to know the amounts due from the Block Development Officer and village level workers respectively and to watch recovery effectively.

(4) The Zilla Parishad charges commission on the seeds, pesticides, etc. distributed by it and utilises the amount for sanctioning additional posts at the block and district levels specifically for the purpose of maintaining accounts in accordance with the prescribed system.

(5) The loan accounts are centralised at the block level. The Department has also issued orders clearly specifying the responsibilities of the Heads of Departments and the Finance Department.

(6) The Chief Accounts and Finance Officer is made responsible for implementing and supervising the accounting system at the block level as also in the different Departments of the Zilla Parishad at the district level.

The accounts system evolved in Satara is sound and practical, and it enables the Zilla Parishad to have adequate control over the block accounts as well as over the block accounts at the district level. It is, therefore, recommended that the accounts system as described herein should be prescribed for all Zilla Parishads.

11.18. The Deputy Accountant at the block level would look after the work relating to the Zilla Parishad schemes and the block schemes, and would also be responsible for the proper maintenance of loan accounts. For this purpose, he would need the assistance of Accounts Clerks at suitable levels depending on the workload. A recommendation has already been made* that clerical assistance should be provided at the rate of one clerk for 2,000 loan accounts. The accounts staff would be subject to supervision by the Deputy Accountant who would then have the responsibility for the proper maintenance of the accounts. The task of recovery will, however, continue to remain with the executive officers. For this purpose, the necessary information should be furnished by the Deputy Accountant to the Extension Officer. The Deputy Accountant, as a part of the block organization, will be directly responsible to the Block Development Officer, while in technical matters, the Chief Accounts and Finance Officer will supervise his work.

11.19. It is also observed that a number of Personal Ledger Accounts operated by the different Heads of Departments of the Zilla Parishads are usually not kept up-to-date. The question whether the officers under the Zilla Parishad should operate a Personal Ledger Account, for such schemes as distribution of seeds and pesticides, and also for distributing funds received under other programmes where their services have been requisitioned, was considered. Such Personal Ledger Accounts serve no useful purpose and it would be better that such receipts are accounted for by the Accounts Department of the Zilla Parishad under the appropriate State heads of accounts. The technical difficulty in following such a procedure can be avoided if the services of the Accounts Department are also invariably requisitioned whenever the services of other officers of the Zilla Parishad are requisitioned. It is, therefore, recommended that the Personal Ledger Accounts should be abolished and the transactions should pass through the regular Government heads of accounts. It will be necessary to sanction such additional staff as may be required for strengthening the Finance Department of the Zilla F[illegible] performing this function.

* Paragraph 10 52.

11.20. The Zilla Parishad could, however, create Personal Ledger Accounts out of its own funds for operating commercial schemes where it may be necessary to use revenue for meeting expenditure. The entire responsibility for maintaining the accounts in respect of such Zilla Parishad Personal Ledger Accounts will be of the officer operating them, and it would not be possible to transfer this responsibility to the Chief Accounts and Finance Officer. In order, however, to ensure that they are maintained regularly, the Chief Accounts and Finance Officer should audit them at frequent intervals, not less than once in a quarter. It would be preferable where commercial accounts are handled to maintain accounts on a double-entry system.

11.21. At present, the work relating to establishment and pay and allowances is decentralised and each department utilises its own staff for work relating to the sanctioning of leave, preparation of pay and allowances bills, etc. and payments to staff and office expenses. The work is somewhat of a specialised nature requiring experienced clerks well-versed in the service and treasury rules and there is generally a paucity of such persons. It is desirable to centralise the work regarding payment of salaries, maintenance of service books, preparation of pension papers, maintenance of Provident Fund accounts, loan accounts, etc. in a centralised Cash Section working in the Finance Department. All other housekeeping functions such as sanctioning of leave, transfers, supply of stationery, furniture, installation of telephones, etc. should be attended to by the General Administration Department. For this purpose, there should be no objection to pooling of contingent grants of all departments and giving a proportionate debit to the grant sanctioned for each department.

11.22. As the work of maintaining the accounts of all Departments in the Zilla Parishad is proposed to be carried out under the direct control of the Chief Accounts and Finance Officer, the accounts staff in the various Departments will have to be pooled. One additional Accounts Officer in the Maharashtra Finance and Accounts Service Class II has been provided for the agricultural accounts. This is on the basis as recommended elsewhere* that the work of taluka seed farms, engineering activities, "residuary activities" and all agricultural extension programmes now operating in the State sector will be transferred to the Zilla Parishad. The Heads of Departments will continue to be responsible for watching the progress of expenditure on the schemes under their control. For this purpose, they should obtain progress reports

* Chapter 15.

from their subordinates about sanctions for payments in the light of allocated grants. The Chief Accounts and Finance Officer. in turn, will arrange to send relevant copies of accounts compiled by him to the Heads of Departments for their information. The responsibility for the accuracy of the accounts will be that of the Chief Accounts and Finance Officer.

11.23. One of the reasons why accounts work suffers at present is that there is no well-established accounts cadre, and the accounts work is handled by persons who are frequently transferred to or from other posts. It is, therefore, recommended that a separate accounts cadre be built up by offering the choice to new recruits to opt for the accounts line or the general line, and also by giving training to such of the existing clerks and senior clerks who opt for the accounts cadre. The Director of Accounts and Treasuries should be requested to formulate a scheme for refresher training for Deputy Accountants in accounts matters from time to time.

11.24. The staffing pattern suggested for the Finance Department of a Zilla Parishad with an average number of 16 to 20 Community Projects Administration pattern blocks is indicated in Annexure 3. The actual allocation of posts among the various sections of that Department may be left to the discretion of the Chief Accounts and Finance Officer.

There is at present a post of Superintendent in the Finance Department of the Poona Zilla Parishad specifically sanctioned for inspection of stores. The incumbent is, however, being utilised for other work. Stores inspection including physical verification of stores is an essential requirement. In the staffing pattern proposed, provision has been made for a post of Deputy Accountant as head of the stores section for the purpose of carrying out physical verification of stores with the help of a senior accounts clerk.

Agriculture Department

11.25. The Agricultural Development Officer is generally assisted by three Class II Officers: the District Agricultural Officer, the Campaign Officer and the Hybrid Seed Production Officer. The Hybrid Seed Production Officer is borne on the establishment of the State Government and supervises the working of the seed processing plant (State sector) and also looks after the Hybrid Seed Production Programme. In addition, there are two non-gazetted officers, namely, the Assistant District Agricultural Officer and the Co-operative Officer.

11.26. A major defect of the distribution of work among these officials is that it is functional and the jurisdiction of each of them extends over the entire district. Because of the functional distribution, co-ordinated action in regard to the Agricultural Production Programmes, namely, intensive cultivation and hybrid and high-yielding varieties programmes, is rendered difficult. As each officer has the charge of the entire district, all of them are required to do extensive touring and spend considerable time in transit. They cannot, therefore, offer the required amount of close supervision and technical guidance in the solution of local problems that is necessary. The functional distribution also results in multiple lines of command in that the field staff receives instructions from and its work is supervised by three different officers besides the Agricultural Development Officer. Though the actual distribution of functions differs from one Zilla Parishad to another, these difficulties seem to have been experienced by all the Zilla Parishads covered.

11.27. The post of Co-operative Officer has been specially sanctioned for the intensive cultivation programme for arranging the supply of seeds, fertilisers and credit. The officer has no control over either the Bank staff, the Supervisors of the Supervising Unions or the Secretaries of the Primary Credit Societies. Similarly, the block staff of Agricultural Officers, Extension Officers, Agricultural Assistants and Gramsevaks is also not directly under him. For want of authority, the officer cannot be effective even in the limited task of providing timely finance through co-operatives to the cultivators.

11.28. In each Zilla Parishad there are posts of Agricultural Officers, Agricultural Supervisors, and Agricultural Assistants sanctioned for a particular programme or function such as horticulture, plant protection, etc. A programme-wise analysis of the strength and workload of such staff in the Poona Zilla Parishad shows (i) that the incumbents have no special qualifications or training for the work specifically assigned to them; (ii) that the functions assigned to them do not provide them with full-time work; (iii) that considerable time is spent in transit with the result that the effective field time is meagre; and (iv) that their services are utilised for the major production programmes irrespective of the functions or programmes for which the posts are created.

11.29. The preceding discussion indicates the need for altering the present functional basis of distribution of work among the district level officers into a territorial basis and the superfluity of

technical staff in the lower echelons. Mere conversion of the functional charges into territorial charges may not, however, be sufficient, having regard also to the proposal elsewhere* to transfer all the agricultural extension programmes at present in the State sector to the Zilla Parishad. On such transfer it will be necessary, as already mentioned, to have a Class II officer at the block level. The Class II officer will be fully responsible for implementation of all agricultural programmes within his jurisdiction and it will not be necessary for the Agricultural Development Officer to function as an executive officer, which he does at present by visiting blocks, meeting cultivators, Gramsevaks, etc. The Agricultural Development Officer will pay attention to planning and co-ordination. With the appointment of a Class II officer for agriculture at the block level and the upgrading of the Block Development Officer to Class I, all the technical and administrative problems will get sorted out at the block level itself and the work coming up to the Zilla Parishad office would be minimised. The Agricultural Development Officer will require only a small office staff for consolidating and tabulating data furnished by the Block Development Officers and for correspondence. The staffing pattern of the Agriculture Department of the Zilla Parishad will be as indicated in Annexure 4.

In working out this staffing pattern, the additional workload resulting from the transfer of various activities from the State sector as recommended in this report has been taken into account.

11.30. The recommended village, block and district organisations are expected to attend to all agricultural programmes. The practice of sanctioning additional posts for specific programmes whether for a particular crop, e.g., cotton, or for a particular class of persons, e.g., small holders, or for a particular area, e.g., a newly irrigated tract, should be discontinued. As mentioned earlier, the Department has already proposed the pooling of the existing staff sanctioned for cotton, sugarcane, irrigation units, etc. All such posts and also posts such as those sanctioned specially for the programme for small holders and landless labourers both in the State and Local sectors will have to be abolished. In future, while entrusting programmes to Zilla Parishads, Government should not ordinarily sanction any additional staff. If, however, Government is satisfied that for achieving a particular coverage or for implementing a particular programme, it will be necessary to create additional posts, Government should give a suitable grant for establishment to the concerned Zilla Parisha leavi it to

* Chapter 15.

them to engage such additional staff as they find necessary. This should apply *mutatis mutandis* to other departments of the Zilla Parishads.

Animal Husbandry Department

11.31. The Animal Husbandry Department of the Zilla Parishad is headed by the District Animal Husbandry Officer, who is in the Maharashtra Animal Husbandry Service Class II. He is assisted at the headquarters either by a Veterinary Officer or by a Livestock Supervisor in technical matters, and by a small ministerial staff. Elsewhere*, it has been recommended that all extension programmes such as intensive cattle and poultry development projects, key village centres and institutions attending to veterinary aid and disease investigation, now in operation in the State sector, should be transferred to the Zilla Parishads. Proposals to integrate the existing staff under these schemes with the staff operating the Animal Husbandry activities under the Zilla Parishads have also been discussed there in detail.

11.32. In the new pattern, in respect of all Animal Husbandry activities including veterinary aid, extension, artificial insemination and disease investigation, which are proposed to be transferred to the Zilla Parishads, the actual work at the village level would be carried out by the Livestock Supervisor, whose work would be supervised by the Veterinary Officer at the veterinary dispensary. The work of all veterinary dispensaries in the district would be co-ordinated and technically supervised by the District Animal Husbandry Officer. The integrated staffing pattern would also ensure that all Animal Husbandry activities under the Zilla Parishads are conducted only through the following agencies at the levels shown against them:

Agency		*Level of operation*
(1) Veterinary Polyclinic and District Artificial Insemination Centre.	...	District.
(2) Veterinary Dispensary	...	A group of Veterinary Aid Centres.
(3) Veterinary Aid Centre	...	A group of Villages.

These multi-purpose institutions should essentially constitute the nuclei for all Animal Husbandry activities under the Zilla Parishads. All future expansion should be effected either by strengthening or

* Chapter 16.

multiplying these institutions, as and when the need arises; no separate institution need be created to function under the Zilla Parishad.

11.33. With the transfer of the schemes in the State sector to the Zilla Parishads, several Class II Officers and a large staff will come under the control of the District Animal Husbandry Officer. In order to ensure effective supervision and efficient control over the Animal Husbandry staff and their activities in the district, it would be appropriate to raise the status of the District Animal Husbandry Officer to Class I.

11.34. In the Satara Zilla Parishad, under the orders issued by the Chief Executive Officer, the District Animal Husbandry Officer functions as an independent Head of the Department. In some other Zilla Parishads, he functions under the Agricultural Development Officer. Considering the clear demarcation of fields between the Animal Husbandry Officer and the Agricultural Development Officer, and also our recommendation to upgrade the post of the District Animal Husbandry Officer to Class I status, it would seem appropriate to allow the District Animal Husbandry Officer to function independently and to give him the full powers of a Head of Department under the Zilla Parishad. It would not seem necessary to have a separate Animal Husbandry Committee of the Zilla Parishad. The Administrative Reorganisation Committee has recommended that the two Committees for Agriculture and Co-operation, constituted independently at present, should be combined into one Committee (Recommendation No. 9.5). We have elsewhere recommended the abolition of the Co-operation and Industries Department under the Zilla Parishad. All matters relating to agriculture and co-operatives would then be handled by that Committee. The District Animal Husbandry Officer should be made the Joint Secretary of the proposed Committee for Agriculture, Animal Husbandry and Co-operation. The Act may be amended suitably to permit of this arrangement.

11.35. It is desirable to provide a jeep to the District Animal Husbandry Officer, whose jurisdiction would cover the entire district, to enable him to exercise technical supervision adequately. At present, he is at the mercy of the Chief Executive Officer or Agricultural Development Officer to get a jeep. A vehicle should, therefore, be allowed to him from out of the jeeps that would become available as a result of the transfer of several programmes like the Intens Cattle Development Projects, Intensive Poultry Development B Key Village Centres, etc. to the Zilla Parishads.

(6) Laying down general conditions for recognition;

(7) Conduct of Primary and High School Scholarship Examinations; and

(8) Such other powers as may be specifically entrusted to the Director of Education or reserved for the State Government under the Grant-in-aid Code.

11.39. In the case of private secondary schools, the Zilla Parishad's activities as stated in the first Schedule are limited to recommending only grants and loans and their disbursements on sanction from the Director of Education. While this is the statutory position, in practice it does not appear that the recommendations for grants under the Grant-in-aid Code made by the officers of the Zilla Parishad were ever turned down or modified by the Director of Education. The sanction to the recommended grants follows as a matter of course, subject only to irregularities which might be noticed in audit which are adjusted in subsequent grants or to mistakes apparent from the record.

11.40. A considerable amount of time and effort is wasted in the aforesaid procedure. I, therefore, recommend that while the Director of Education may continue to be the Controlling Authority for the grants under this head and as such he will continue not only to allocate grants between the different districts, but also have authority to re-appropriate funds from one district to another as indicated by anticipated savings or excesses, the actual sanction of the grants within the limits of the allocated grants should be left to the Education Officer. The audit of the sanctioned amount and the disbursement could continue as before.

11.41. Under the scheme of concessions to the Economically Backward Classes, those whose annual income is less than Rs. 1,200 (Rs. 1,800 in the case of Government/Local Body servants) are entitled to the benefit of free education for their children at all stages. The Zilla Parishads are implementing the scheme as agents of Government. Under the scheme, a certificate regarding the income has to be obtained from Sarpanchas or Members of the Legislative Assembly or Gazetted Officers or Justices of Peace, etc. and these certificates are supposed to be subject to some kind of verification by the school or college authorities and also by the Zilla Parishad. A further check has been provided for in the shape of audit squads under the Education Department which function in each district. By the very nature of the system, all these levels of scrutiny are far from effective in checking abuses,

and there is reason to believe that there is a large scale misuse of this concession. Once a certificate has been produced from a person qualified to give such a certificate, it is difficult to see how the *Head of an educational institution could refuse to grant this* concession. Even if Government, as a result of subsequent scrutiny, withholds the corresponding grant to the school, it would be difficult for the school authorities to effect the recovery from the parent concerned. The fact that some recoveries are made from the grants to certain schools may give satisfaction that *somebody is penalised for a wrong; but it has not apparently* been realised that the schools are being punished for the sins of those issuing and those producing the false certificates. There are many cases in which, in spite of the audit pointing out the falsity of the certificates and effecting recovery from the schools, the schools in their turn have found it impossible to recover the money from the parents because by the time the audit report was received, the students who received the undeserved benefit have already left the schools. Having regard to these defects which are inherent in the scheme, and the fact that any attempts at strict preaudit would require expenditure out of all proportion to the misuse detected, I recommend that the present scheme be scrapped and replaced by one of providing free secondary education to all. If it is only a question of resources, it should be possible to restrict the scheme to rural areas and backward regions This would result in reduction of abortive administrative work and would also help in bringing down the staff requirement both of the Zilla Parishads and of the audit parties (to say nothing of the schools).

11.42. The Education Department of the Government in its White Paper has proposed the setting up of 'District Supervisory Units' in all districts under a Class I Officer assisted by a complement of Class II Officers functioning under the direct supervision of the Regional Deputy Directors of Education. These proposals would result in the creation of a parallel and duplicate organisation in the State sector. The setting up of a duplicate organisation in the State sector for purposes transferred to the Zilla Parishads would be retrograde if the principle of democratic devolution on which the Panchayati Raj has been established is not to be discarded. *If the State sector desires to take this activity for itself, instead of* a parallel and duplicate organisation being set up for doing thin which are statutorily entrusted to the Zilla Parishads, it be for consideration whether it would not be more to take away this work altogether from the Zilla

Officers are to be provided in Greater Bombay at the rate of one officer for 50 secondary schools, in the districts, Deputy Education Officers may be provided at the rate of one for 40 secondary schools. Having determined the number of Deputy Education Officers on this basis, it should be possible to divide the area of inspection into an equal number of charges having regard to communication difficulties, concentration of schools, volume of other administrative work, etc. and to place one Deputy Education Officer in charge of each.

11.47. While assessing the number of Deputy Education Officers required, it may be taken for granted that the Parishad Education Officer would be able to inspect 25 schools. The norm of 25 schools for the Parishad Education Officer has been suggested taking into account his other administrative work and the fact that he would be expected to inspect only the bigger or problem schools in the district. It would be necessary for him to visit and test-check as many more schools as possible in order to satisfy himself that the quality of inspection by his subordinates is up to the mark.

11.48. As regards the post of Assistant Deputy Educational Inspector at the headquarters, the norms suggested for Greater Bombay, namely, 1 Assistant Deputy Educational Inspector per Inspecting Officer of Class I or Class II would be equally applicable. Any post existing in excess of this norm can be adjusted against posts likely to be required due to the expansion of education or in the block organisation according to the revised norm suggested elsewhere*.

11.49. The question whether the Deputy Education Officers should reside within their respective territorial charges was gone into. It would be necessary, in order to enable the Deputy Education Officers to function, to give them the assistance of a small staff consisting of 1 or 2 clerks or a steno-typist, who could tour with the Deputy Education Officers. However, having regard to the fact that the Deputy Education Officers would be assisting the Education Officer in carrying out his duties and have no independent responsibilities at the block level or to the Zilla Parishad, it is felt that it would be appropriate if they are situated at headquarters. This would also permit some economy. Each Deputy Education Officer will not require separate housekeeping staff. In making this recommendation, it has been borne in mind that

* Paragraph 10.24.

a fairly large central office is required to attend to various personnel problems of the field staff of the Education Department which forms a considerable part of the Panchayati Raj establishment.

11.50. Coming now to the ministerial staff, two posts of Superintendent in Maharashtra Education Service Class II have been sanctioned in the Education Department of the Zilla Parishad. Apart from this, there is a lack of uniformity in office administration. While in one district there are as many as eight branches, in some there are only three. It is recommended that in order to ensure uniformity, each Zilla Parishad Education Office should be sub-divided into three branches, namely, those dealing with primary education, secondary education, and administration including registry. Elsewhere, I have recommended the taking over of the accounts work so far done in the Education Office by the Finance Department. The staff required for this purpose has been proposed under that Department. Each of the three branches should have a post of Superintendent for effective supervision. Such posts do not exist at present in all Zilla Parishads. The Primary and Secondary branches should submit cases to the Education Officer through the Deputy Education Officer concerned; no post of Junior Superintendent would be necessary for these branches. The Education Officer could make appropriate delegation of his powers to the Deputy Education Officers and arrange the work of his office in such a way that the Deputy Education Officers could function effectively. The Administration branch, which should deal with all establishment matters including the appointments and transfers of primary teachers, should be put in charge of a junior gazetted officer. This post should be a promotion post for the ministerial staff of the Zilla Parishad. The two gazetted posts of Junior Superintendents now available could be dispensed with. No doubt, today the two Junior Superintendents are generally the most heavily worked officers. But, if the touring of the Deputy Education Officers is properly co-ordinated by the Education Officer, and as each of them would be touring only for a part of the month, there should be some gazetted officers besides the Education Officer always available at the headquarters. It would be appropriate to designate the senior-most Deputy Education Officer to deal with emergent cases of all branches in the absence of [illegible] Officer.

11.51. The proposed set-up of the Education [illegible] an average Zilla Parishad would be as in the [illegible] (Annexure 5).

Works Department

11.52. The Works Department is headed by an Executive Engineer who is in charge of the Division extending over the entire area of the Zilla Parishad consisting of four or five Works Sub-Divisions and one Minor Irrigation Sub-Division. A Sub-Committee of Superintending Engineers of the Buildings and Communications Department was appointed to examine the working of the Works Departments of the Zilla Parishads. It confined its examination to the works of the Zilla Parishads financed fully by the Buildings and Communications Department, omitting the works financed by the Rural Development Department and from the Zilla Parishads' own resources. The Sub-committee has observed that certain registers and accounts were not being maintained properly by the Zilla Parishad Works Departments. This deficiency is also observed in the Buildings and Communications Department and Irrigation and Power Department Divisions. The Buildings and Communications Department has endorsed the recommendations of the Sub-committee of the Superintending Engineers, adding that Minor Irrigation Works, especially sinking of wells, which hardly require any supervision except for final measurement, go to swell the workload figure of the Zilla Parishads.

11.53. While making recommendations regarding its own Divisions, the Buildings and Communications Department has suggested certain criteria for adoption for workloads. That Department has suggested that norms should be different for urban units and mofussil units because in the former, work is concentrated in a limited area, while in the latter it is spread over a much larger area. The norms adopted by the Buildings and Communications Department for a mofussil Executive Engineer's Works Division could well apply also to the Zilla Parishad Works Division whose works are even more wide-spread. It is not considered necessary to suggest more stringent norms for the Zilla Parishad Works Division than for a Buildings and Communications Department Mofussil Division, because while the Buildings and Communications Department Division confines itself to actual maintenance and execution of works, the Zilla Parishad Works Division has also to undertake advisory work in respect of works carried out by Panchayat Samitis and Village Panchayats. The works carried out by these block and village level Panchayati Raj institutions may appear to be minor works, but their number is large and they also need to be executed according to specified technical standards. The Zilla Parishads should, therefore, be given staff according to the Buildings and Communications Department norms for mofussil divisions, taking

into account the total outlay on the works undertaken in the district, whether financed by Government or by the Zilla Parishad or Panchayati Raj institutions from their own resources.

11.54. As the Works Division of a Zilla Parishad is close to the people who benefit by the execution of works, it is understandable that it is subject to pressures from all quarters for early settlement of the bills. Instances are not unknown where, due to local pressures, works have been started and executed without proper preparation of plans and estimates at the earliest stages or detailed accurate measurements taken at any stage of the work, so that difficulties are experienced with regard to issue of completion certificates. Such cases constitute a substantial proportion of the works executed by the Village Panchayats. In earlier stages of the Panchayati Raj institutions, the belief was fairly wide-spread that, with the devolution of responsibility to the grass roots, the need for records would be minimised and things could be got done with the maximum of speed and the minimum of staff, and the proverbial red tape involved in the maintenance of records would be consigned to the dust. While delays would certainly be reduced to the extent that the institutions initiating the proposals would also be responsible for their sanction, the Administrative Reorganisation Committee has uttered a word of caution against the notion that by not following systematic procedures, maintenance of records would be reduced substantially. The Committee has exposed the unsoundness of the notion that establishment and administration costs can be reduced in Panchayati Raj institutions which can function without elaborate procedures (*vide* paragraph 9.67 of the Committee's Report). These observations which refer to the work of the Zilla Parishad in all its spheres are particularly relevant to the Works Department where the accountability of the expenditure incurred and the method of incurring expenditure is similar, in its record, to that of a Works Division under the State sector. It may further be noted that the normal workload of a Zilla Parishad Division exceeds that of a State sector Division with the same level of expenditure for the following reasons:

(*a*) The works being executed by the Zilla Parishad through its various agencies including the Village Panchayats are normally smaller and more scattered than those of an average rural Works Division.

(*b*) The Zilla Parishad is required to execute works not merely on the lines of the normal Buildings and Communications Department, but is also required to carry out miscellaneous works which would normally be carried out by specialised engineers of

Public Health Engineering Department and other such specialised Divisions. The time taken in preparing estimates of these types is often considerably more than that for routine items which would have been normally handled by the Works Division.

(c) The Works Division under the Zilla Parishad is required to advise Village Panchayats on the execution of all Village Panchayat works for which no expenditure has to be incurred by the Zilla Parishad. These works are scattered and small and take up a good deal of the supervisory time of the engineers concerned.

(d) As the Works Division functions under a Local Body, considerable amount of time of the said works division staff is occupied in dealing with requests of the local leadership. The time spent on this kind of work is substantially more than in the normal Buildings and Communications Division.

(e) As the individual works are small, the total number of plans and estimates and completion certificates are much larger and the total number of test-checks for the amount of money actually spent has to be much larger.

11.55. It may be necessary in some cases, with due regard to the workload, to have more than one division under a Zilla Parishad. It is, therefore, recommended that there should be no restriction on the number of divisions under a Zilla Parishad, and where a Zilla Parishad has more than one division, the senior of the Executive Engineers should work as the Secretary of the Works Committee of the Zilla Parishad.

11.56. In the Buildings and Communications Department pattern, if there are more than 5 Sub-Divisions in a Division, it is entitled to the post of a technical Personal Assistant of the status of a Deputy Engineer. The same standard may be made applicable to the Zilla Parishad pattern.

Co-operation and Industries Department

11.57. The functions of the Co-operation and Industries Department are :

(1) Promotion and extension of the Co-operative movement and administrative supervision over Co-operative Societies in the rural area ;

(2) Registration, amendments and appeals in respect of Co-operative Societies having authorised share capital not exceeding Rs. 50,000 or working capital below Rs. 5 lakhs and whose jurisdiction is less than a district ;

(3) Sponsoring applications of Co-operative Societies for financial assistance under different schemes;

(4) Grant of loans under State Aid to Industries Rules and their recovery;

(5) Rural Arts and Crafts Industries Schemes,

(6) Supervision over Fertilizer Depots and Agricultural Produce Market Committees;

(7) Establishment and other miscellaneous matters (in respect of the staff of the Co-operation and Industries Department only).

11.58. Under the Maharashtra Co-operative Societies Act, 1960, the Co-operation and Industries Officer, Zilla Parishad, is empowered to exercise statutory powers of registration, amendments, and appeals. But under executive instructions issued by the Registrar of Co-operative Societies, the power of registration was to be exercised by the Co-operation and Industries Officer subject to the instructions issued by the Registrar from time to time At first, the consent of the Deputy Registrar concerned was required to be obtained in respect of registration proposals of consumer co-operatives only. Later, in January 1967, the condition of consent of the District Deputy Registrar was extended to all other co-operative societies also. The power of registration thus became ineffective in practice. The orders prescribing the condition of consent have now been cancelled and the Co-operation and Industries Officers instructed to be in contact with the concerned District Deputy Registrars regarding the departmental policies on registration. One of the reasons which led the Administrative Reorganisation Committee to recommend that regulatory functions should continue with the Department was that the Co-operation and Industries Officer had registered societies without due consideration either of their viability or of other principles laid down by the Departments (*vide* paragraph 10·76 of the Committee's Report). Merely asking the Co-operation and Industries Officer to keep in touch with the District Deputy Registrar is not likely to ensure conformity with the Departmental policies. It has already been noted earlier* that there is now little scope in the rural area for establishment of new co-operative societies, especially Agricultural Credit Co-operative Societies, which account for the majority of co-operatives in the rural area. Besides, the pattern of the co-operative movement is changing: more and more societies in urban area—'Housing' 'Urban Credit', 'Consumers'—are coming up.

* Paragraph 10 4

Public Health Engineering Department and other such specialised Divisions. The time taken in preparing estimates of these types is often considerably more than that for routine items which would have been normally handled by the Works Division.

(*c*) The Works Division under the Zilla Parishad is required to advise Village Panchayats on the execution of all Village Panchayat works for which no expenditure has to be incurred by the Zilla Parishad. These works are scattered and small and take up a good deal of the supervisory time of the engineers concerned.

(*d*) As the Works Division functions under a Local Body, considerable amount of time of the said works division staff is occupied in dealing with requests of the local leadership. The time spent on this kind of work is substantially more than in the normal Buildings and Communications Division.

(*e*) As the individual works are small, the total number of plans and estimates and completion certificates are much larger and the total number of test-checks for the amount of money actually spent has to be much larger.

11.55. It may be necessary in some cases, with due regard to the workload, to have more than one division under a Zilla Parishad. It is, therefore, recommended that there should be no restriction on the number of divisions under a Zilla Parishad, and where a Zilla Parishad has more than one division, the senior of the Executive Engineers should work as the Secretary of the Works Committee of the Zilla Parishad.

11.56. In the Buildings and Communications Department pattern, if there are more than 5 Sub-Divisions in a Division, it is entitled to the post of a technical Personal Assistant of the status of a Deputy Engineer. The same standard may be made applicable to the Zilla Parishad pattern.

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(3) Sponsoring applications of Co-operative Societies for financial assistance under different schemes;

(4) Grant of loans under State Aid to Industries Rules and their recovery;

(5) Rural Arts and Crafts Industries Schemes;

(6) Supervision over Fertilizer Depots and Agricultural Produce Market Committees;

(7) Establishment and other miscellaneous matters (in respect of the staff of the Co-operation and Industries Department only).

11.58. Under the Maharashtra Co-operative Societies Act, 1960, the Co-operation and Industries Officer, Zilla Parishad, is empowered to exercise statutory powers of registration, amendments, and appeals. But under executive instructions issued by the Registrar of Co-operative Societies, the power of registration was to be exercised by the Co-operation and Industries Officer subject to the instructions issued by the Registrar from time to time. At first, the consent of the Deputy Registrar concerned was required to be obtained in respect of registration proposals of consumer co-operatives only. Later, in January 1967, the condition of consent of the District Deputy Registrar was extended to all other co-operative societies also. The power of registration thus became ineffective in practice. The orders prescribing the condition of consent have now been cancelled and the Co-operation and Industries Officers instructed to be in contact with the concerned District Deputy Registrars regarding the departmental policies on registration. One of the reasons which led the Administrative Reorganisation Committee to recommend that regulatory functions should continue with the Department was that the Co-operation and Industries Officer had registered societies without due consideration either of their viability or of other principles laid down by the Departments (*vide* paragraph 10·76 of the Committee's Report). Merely asking the Co-operation and Industries Officer to keep in touch with the District Deputy Registrar is not likely to ensure conformity with the Departmental policies It has already been noted earlier* that there is now little scope in the rural area for establishment of new co-operative societies, especially Agricultural Credit Co-operative Societies, which account for the majority of co-operatives in the rural area. Besides, the pattern of the co-operative movement is changing; more and more societies in urban area—'Housing', 'Urban Credit', 'Consumers'—are coming up.

* Paragraph 10.4

11.59. The amendment of bye-laws and hearing of appeals are essentially regulatory functions. As mentioned earlier, the Administrative Reorganisation Committee has recommended that regulatory functions should not be entrusted to the Zilla Parishads and should remain with the Department. Besides, the Zilla Parishads deal with only a limited number of amendment proposals and appeals.

11.60. In these circumstances, the entire work relating to the administration of the Maharashtra Co-operative Societies Act should be re-transferred to the Co-operative Department. This would also bring in the required uniformity in the departmental policies in the matter of registration. Such transfer would not result in any addition to the work in the office of the Deputy Registrar as it was already attending to such work in detail prior to September 1969.

11.61. The applications for financial assistance are received by the Co-operation and Industries Officers through the Block Development Officers. As the Co-operative and Industries Officers are not authorised to sanction assistance, the applications are examined with reference to the relevant terms and conditions and referred to the District Deputy Registrars. As the District Deputy Registrars themselves have limited powers, they in turn, scrutinise the applications and make recommendations to the Divisional Joint Registrars. Elsewhere* it has been recommended : (i) that the District Deputy Registrars should be entrusted with powers now exercised by the Divisional Joint Registrars, and (ii) that the recommendation of the Administrative Reorganisation Committee that Assistant Registrars should have independent Offices (which has been accepted by Government) should be implemented without delay. With the establishment of offices of Assistant Registrars at one of the Taluka headquarters within their jurisdiction, it should not be difficult for the societies seeking financial assistance to get the needed advice from the offices of the Assistant Registrars. The proposals need not then be routed through the Zilla Parishads but could be received direct by the Assistant/Deputy Registrars.

11.62. The supervision of the work of fertilizer depots can be appropriately done by the Agriculture Department. With the appointment of a Class II Agricultural Officer at the Block level and considerable strengthening of Agricultural staff, it would be possible for the said staff itself to carry out the inspection of fertilizer depots so as to ensure that adequate stocks of fertilizers are maintained taking into account the programme fixed by the Agri-

*Paragraphs 17.27 and 17.35.

culture Department. Where action under the Fertilizer (Control) Order, 1957, has to be taken against a fertilizer depot, it can be done by the Agriculture Department through the Agricultural Committee of the Zilla Parishad. In the Satara Zilla Parishad, the work of supervision over fertilizer depots, which was originally with the Co-operation and Industries Department, has already been transferred to the Agriculture Department.

11.63. The Registrar of Co-operative Societies is responsible for the proper implementation of the Agricultural Produce Marketing (Regulation) Act, 1963. The supervision and control over Agricultural Produce Market Committees (only the district level work of supervision and control) have been entrusted to the Zilla Parishads. The work of the Agricultural Produce Market Committees is supervised by the Co-operation and Industries Officer through inspections (one in each year) and calling for periodical returns (weekly and monthly). All matters, e.g., budget proposals, proposals for including additional commodities under Regulated Markets, proposals regarding amendments to bye-laws of the Agricultural Produce Market Committees, etc. have to be referred to the District Deputy Registrars or Divisional Joint Registrars. The Co-operation and Industries Officer thus makes no effective contribution to the administration of the Agricultural Produce Marketing (Regulation) Act. As the functions are regulatory, it would not be advisable to give powers under the Act to the Co-operation and Industries Officer. The proper course would be to relieve him of the work. It is proposed separately* that there should be an independent department in the State sector to deal with marketing and allied activities. The enforcement of the Agricultural Produce Marketing (Regulation) Act should be entrusted to that Department.

11.64. It has already been noticed that the post of Extension Officer (Industries) at the Panchayat Samiti level is unnecessary. The work at the district level mainly consists of grant of loans/subsidies to individual artisans and industrial co-operatives under the State Aid to Industries Rules, maintenance of loan accounts and grant of stipends and other work relating to Training-cum-Production Centres. Under the State Aid to Industries Rules, the Co-operation and Industries Officer has powers to sanction loans up to Rs. 3,000 only. Other cases are dealt with by the District Industries Officers. If the Co-operation and Industries Officers are relieved of the regulatory functions in respect of Co-operative Societies and

*Paragraph 17.21.

Agricultural Produce Market Committees, it seems unnecessary to retain a separate Department for the remaining work. As mentioned earlier, the Co-operation and Industries Officer exercises very limited powers under the State Aid to Industries Rules. These powers may be withdrawn and vested in the District Industries Officers/Deputy Commissioner of Industries. Similarly, the administration of the Training-*cum*-Production Centres may also be entrusted to the District Industries Officers. The transfer of the aforesaid items will not make any significant addition to the work of the District Industries Officers. With the proposed redistribution of work as indicated, there would no longer be any need for the post of Co-operation and Industries Officer or any staff in the Department of Co-operation and Industries. The Co-operation and Industries Department should, therefore, be abolished. The Co-operation Committee of the Zilla Parishad may be merged with the Agriculture Committee as proposed earlier.

Health Department

11.65. There are the following officers at the District level for the Public Health Programmes :

(1) Public Health Officer (Gazetted).
(2) Superintendent of Vaccination.
(3) Epidemic Medical Officer.
(4) Senior Sanitary Inspector (in some Districts).
(5) District Public Health Nurse.
(6) Non-Medical Supervisor.

There are, in addition, the following officials for the Family Planning Programme :

(1) Assistant District Health Officer (Gazetted).
(2) Administrative Officer (Gazetted).
(3) District Co-ordinator.
(4) District Female Field Worker.
(5) Statistical Assistant.
(6) Projectionist.

For the purposes of Malaria eradication which is, at present, a State activity, the following officials are posted at the District level :

(1) Malaria Officer.
(2) Assistant Unit Officer and the technical staff.

11.66. The Medical Officer in charge of the Primary Health Centre at the Block level is fully responsible for all public health

activities in the area covered by the Centre. With a view to assisting him in supervision and inspection of the field workers, it has been proposed earlier* to provide him with one Health Inspector for 5 to 6 Basic Health Workers, and one Public Health Nurse per Block. Therefore, only the following items of work will have to be attended to by the Officers at the Zilla Parishad level :

(1) Inter-Block co-ordination and consolidation of reports, etc.

(2) Supervision and inspection (technical and administrative) of Primary Health Centres and dispensaries only.

(3) Supply, establishment and accounts connected with these institutions.

11.67. The following set-up at the Zilla Parishad level is recommended.

The Public Health Officer is the Head of the Health Department of the Zilla Parishad and he should continue to be responsible for all public health programmes in the District. He should be assisted in his technical duties and inspections by the Assistant District Health Officer. For the administrative work and supervision, the Public Health Officer should be assisted by the Administrative Officer, who should be treated as a drawing and disbursing officer. He will relieve the Public Health Officer of all administrative and non-technical work.

11.68. The Superintendent of Vaccination, in addition to exercising supervision over Vaccinators and Sanitary Inspectors, issues notices under the Vaccination Act to those who fail or refuse to get vaccinated. The authority to issue such notices should be delegated to the Medical Officers of the Primary Health Centres. The Vaccination Act may be amended, if necessary.

11.69. The Health Inspector and the Medical Officer of the Primary Health Centre will be responsible for inspection and supervision of the work of the field staff. It is not, therefore, necessary to have another officer for a similar purpose at Zilla Parishad level. The post of Superintendent of Vaccination may be discontinued. For the same reasons, the posts of Epidemic Medical Officer, Malaria Officer, Senior Sanitary Inspector, Non-Medical Supervisor, District Co-ordinator, and District Female Field Worker are not needed at the Zilla Parishad level and may be discontinued.

11.70. The technical staff of the Malaria Office at the District level may be attached to the Primary Health Centres, which will work

*Paragraph 10.41.

under the Medical Officers in charge of the Primary Health Centres. This may require sanction of additional posts in order that each Primary Health Centre may be adequately staffed. The Statistical Assistant may continue at the Zilla Parishad Office. He will consolidate all Public Health returns and submit them to the Assistant District Health Officer. As regards the Projectionist, in almost all the Blocks there is a projector, with an operator and a driver. Similarly there is a publicity van with attached staff for the Zilla Parishad. It is not, therefore, necessary to have a separate publicity wing for the Family Planning Programme. This duplication may be avoided by utilising the existing publicity agencies at Block and Zilla Parishad levels. The posts of Projectionist and Driver may, therefore, be abolished. The staffing pattern of the Health Department of the Zilla Parishad will be as indicated in Annexure 6.

11.71. Government has recently approved the integration of Medical and Public Health Departments in principle. Earlier, an Officer on Special Duty had been appointed in that Department for submitting proposals for the integration of Medical and Public Health Departments. I requested him to discuss his proposals with me. He mentioned that he had not yet finalised his proposals as he had not been able to arrange for a joint discussion between himself and the Deputy Secretaries attending to Public Health and Medical Department respectively in the Department. Soon thereafter, he relinquished office. I have not thereafter been consulted by the Urban Development, Public Health and Housing Department in the formulation of its proposals for the integration of the Medical and Public Health Departments. The Liaison Officer of the Department appointed to assist me mentioned two alternative schemes of reorganisation as being under consideration, but these were different from the scheme approved by Government.

11.72. The scheme approved in principle by Government does not spell out the details of the proposed integration at the District level. But except for the activities of the Civil Surgeon being continued as at present in the districts, my proposals herein will secure a complete integration of the Medical and Public Health activities at the District level and below. The only remaining activity, namely, the activity of the Civil Surgeon, is confined to running the civil hospitals, cottage hospitals and inspection of taluka dispensaries. With regard to the latter, there can hardly be a question of the Civil Surgeon sitting in judgment on the clinical treatment given at the taluka dispensaries. The absorption of the taluka dispensaries as Primary Health Centres, as proposed, would obviate the need for separate inspection of these

dispensaries by the Civil Surgeon. That would leave the Civil Surgeons with the control of the civil hospitals and the cottage hospitals as their sole activity. The civil hospitals and the bulk of the cottage hospitals are located in Municipal areas and transfer of these hospitals to Panchayati Raj institutions may not, therefore, be feasible. The Civil Surgeon will, therefore, continue to have the responsibility for these institutions as for other Municipal dispensaries not under the control of the Zilla Parishad. The inspection activity of the Civil Surgeon is, however, subsidiary to his main task of running the civil hospital. From that point of view, the Civil Surgeon ought to remain as an independent entity apart from and in addition to the District Health Officer for the organisation under him If considered necessary, the designation of the Civil Surgeon could be appropriately changed. In this connection, it may be submitted in all humility that the suggestion of the Administrative Reorganisation Committee in redesignating him as District Medical Officer may not be appropriate since he would have very little scope for the performance of such functions as contemplated. In the integrated pattern within the district as proposed by me it would not be necessary to have inspections by the Civil Surgeon parallel to those conducted by the Health Officer.

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Chart showing the proposed Organisation Department of an average Zilla Parishad

	Administrative Officer		Dy. Chief Executive Officer					
	Sectional Officer	Superintendent	Sectional Officer	Superintendent	District Statistical Officer			Total number of posts
	Panchayat Branch	O & M and Inspection Branch	Establishment Branch	Parishad Branch	Statistical Branch	Registry*	Record Branch	
Senior Assistant	3	2	2	2	2 (1 Stat. Asst.)**	1*	1	13
Junior Assistant	4	1	5	3	1	..*	1	15
	Establishment matters of Gramsevaks, V. P. budgets, inspection of V. Ps. and other work connected with V. Ps., C. D. programme, etc.	Inspection of Panchayat Samiti Offices and Offices of Heads of Departments of Z. P. and O & M work.	All establishment matters of Z. P. employees other than Gramsevaks.	All work connected with the Z. P. and the Standing Committee meetings.	Preparation of District Plan and all work connected with Plan Schemes.	Inward, Outward and Typing.	Maintenance of record of all Z. P. Departments.	

Other Staff :—2 Stenographers.
Typists : As per norm laid down.
Leave Reserve : 3 Junior Assistants.

* (i) One Senior Assistant may be provided in this Registry as shown for marking tapal department-wise, if it functions as a Central Registry for the different departments located in one compound.

In addition, the office staff of the District Statistical Officer will be transferred to the Zilla Parishad.

Junior Assistants for inward and outward work of the Central Registry or of the Registry attending to the work of the G. A. D. only may be provided on the basis of the norm laid down in para 11.9 of the Report.

a Officer (II)

Accountant

	A... B...	Accounts Branch (III) (Agriculture and Animal Husbandry)	Accounts Branch IV (Education and Health)	Registry	Total number of posts
Deputy Accountant		1	[illegible]		
Senior Assistant (Accounts) ..		[illegible]	[illegible]	....	2[illegible]
Junior Assistant ..		[illegible]	[illegible]	...	[illegible]
				[illegible]	[illegible]
	Ex... rev... of ... mai... me... of ... vat... mai... of a	Accounts work of the Agriculture and Animal Husbandry Departments	Accounts work of the Education and Health Departments		

Other Staff.—1 [illegible]
Typist : [illegible]
[illegible]

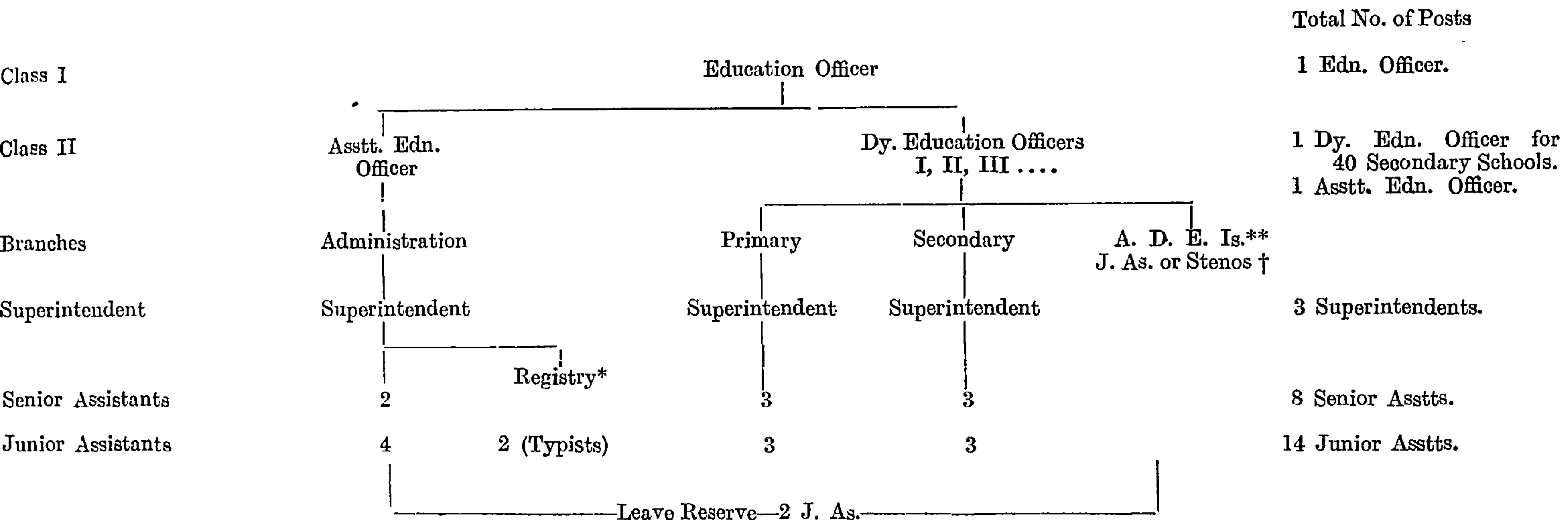
*O[illegible]

† —is located in one [illegible]

ANNEXURE 5

(*Vide* para. 11.51)

Chart showing the proposed Organisation for the Education Department of an average Zilla Parishad



Notes.—(1) In addition to these posts, a staff of 1 Dy. Accountant, 2 Sr. Assistants and 2 Junior Assistants has been proposed under the C. A. F. O. (Finance Department) to deal with accounts matters of the Education Department.

*(2) No separate staff has been provided for ' Inward-Outward ', as there would be a common " Central Registry " for all departments under the General Administration Department (*vide* paragraph 11.9).

(3) Two typists have been proposed initially, but their exact requirement should be decided on the basis of actual typing workload (@ 1 typist for 7000 words per day).

**(4) The number of A. D. E. Is. should be equal to the number of Gazetted Inspecting Officers (i.e.. the Edn. Officer *plus* the Dy. Education Officers).

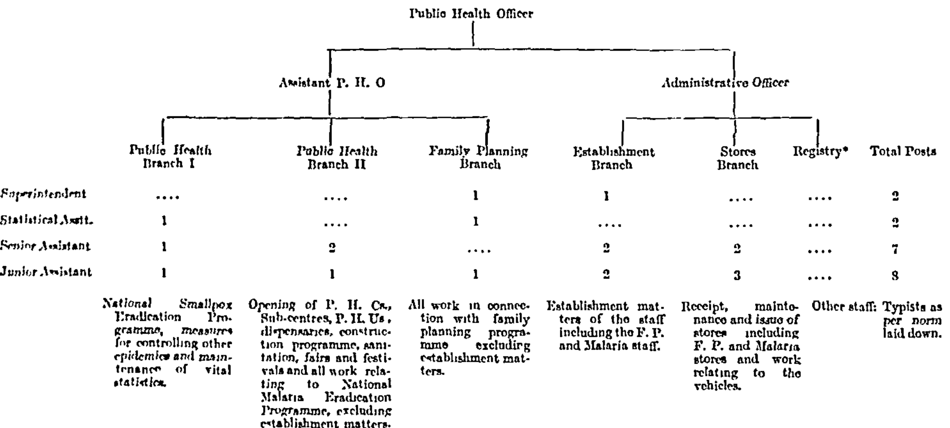
†(5) 1 or 2 J. As. or a Steno-typist should be provided for each Dy. Education Officer.

(6) Leave reserve (2 J. As.) has been provided in the Staff.

ANNEXURE 0

(*Vide* para. 11.70)

Chart showing the proposed Organisation for the Health Department of an average Zilla Parishad



	Public Health Branch I	Public Health Branch II	Family Planning Branch	Establishment Branch	Stores Branch	Registry*	Total Posts
Superintendent	....	....	1	1	....	....	2
Statistical Asstt.	1	....	1	....	....	....	2
Senior Assistant	1	2	....	2	2	....	7
Junior Assistant	1	1	1	2	3	....	8
	National Smallpox Eradication Programme, measures for controlling other epidemics and maintenance of vital statistics.	Opening of P. H. Cs., Sub-centres, P. H. Us., dispensaries, construction programme, sanitation, fairs and festivals and all work relating to National Malaria Eradication Programme, excluding establishment matters.	All work in connection with family planning programme excluding establishment matters.	Establishment matters of the staff including the F. P. and Malaria staff.	Receipt, maintenance and issue of stores including F. P. and Malaria stores and work relating to the vehicles.	Other staff:	Typists as per norm laid down.

*A separate Registry may be provided only if there is no Central Registry in the General Administration Department attending to the inward and outward work of all the Departments located in one compound. The posts of *Junior Assistant in that case* may be as per norm laid down in paragraph 11 9 of the Report.

CHAPTER 12

THE ROLE OF THE COLLECTOR IN PANCHAYATI RAJ ADMINISTRATION

12.1. The Collector is the Head of the Revenue Administration in the District. He is also the District Magistrate and in this capacity he is responsible for the maintenance of law and order. In addition he has to perform certain functions in connection with passports, visas, licences, etc. He is regarded as the principal representative of Government in the District in all matters. As regards the Zilla Parishads and Panchayat Samitis, the Collector is mainly concerned with the enforcement of the provisions relating to elections, voting rights, etc. of the members of the Zilla Parishads and Panchayat Samitis, audit reports and selection of staff [*vide* sections 11, 45 and 57 of the Zilla Parishads Act]. He has not been entrusted with any specific functions in regard to the development administration of these bodies.

12.2. The Village Panchayat Branch of the Collectorate has to make arrangements for elections and bye-elections to the following bodies:

(i) Village Panchayats;

(ii) Panchayat Samitis;

(iii) Zilla Parishad; and

(iv) Nyaya Panchayats.

Temporary staff is employed for a short time for the election work; the normal staff of the Branch, however, finds it difficult to cope with the work. In addition to creating a special cell headed by a Tahsildar in each Collectorate for ensuring timely elections to the Village Panchayats, as recommended by the Administrative Reorganisation Committee (paragraph 9.31 of its Report), the following steps may be taken for improving the working of the election machinery:

The Electoral Roll to be used for elections to all Local Bodie viz., Village Panchayats, Panchayat Samitis, Municipalities ar Zilla Parishad, is the same as is used for elections to the Leg lative Assembly and Parliament. It would be useful if the electio to all these bodies could be arranged by a single branch in t Collector's Office which would also be in charge of preparing t rolls and keeping them up-to-date. Another factor of importan in this connection is that the procedures for elections to all the bodies are more or less based on the lines of the Conduct of Electi Rules, 1961, which are prescribed for elections to the State Leg lative Assembly and House of the People. Therefore, expertise the matter of interpretation of these rules can be suitably develop so that there are no difficulties in the conduct of elections. Simil expertise would be required for the conduct of elections Co-operative Societies, Market Committees and Nyaya Panchaya etc., though the list of electors may be prepared on a differe basis. But the work relating to these bodies should be handled the same branch. It should not be difficult to devise a formu for apportioning the expenditure of the branch between the wo for the elections to the Parliament and State Assembly and a for the local and other bodies referred to.

12.3. Centralisation of the election work can be expected bring about a marked change in respect of procedural matters. would be useful if periodic orientation and refresher courses a held for those working in the Election Branch. These cours could be organised under the guidance of the Chief Electo Officer to Government with the co-operation of the Administrati Staff College.

12.4. *Audit Notes on Village Panchayat Accounts* :—At prese the Collector has to watch and approve the complian reports on all the points in the audit notes drawn up by t Chief Auditor, Local Fund Accounts. The number of pendi audit notes is increasing every year. To facilitate compliance audit notes within the prescribed time, it is suggested that t Chief Executive Officer may be authorised by suitable amen ment of the Rules to deal with all minor audit points and or important objections involving misappropriation or misapplicati of funds, recoveries through coercive measures and those leadi to the arrest and prosecution of Village Panchayat member officials may continue to be handled by the Collector. For tl work in the Zilla Parishad, it will be necessary to give one Seni Assistant in the Village Panchayat Branch of the Gener Administration Department.

12.5. *District Selection Board* :—Government appoints a District Selection Board for each district under section 250 of the Zilla Parishads Act for recruitment of personnel in the District Services, Class III and Class IV. The Board consists of :

(i) Collector as the Chairman,

(ii) Two non-officials who are also members of the Divisional Selection Board as Members,

(iii) Chief Executive Officer, or the concerned Head of Department of the Zilla Parishad as Adviser,

(iv) Resident Deputy Collector or an officer of the Deputy Collector's rank as Secretary.

The work of the Board is attended to in the General Branch by one clerk sanctioned for the purpose. The General Branch is headed by an Aval Karkun and is in the charge of a Head Clerk (Tahsildar). At Poona, it was found that the workload is adequate for one clerk. The Aval Karkun who supervises the work of this clerk has to do it in addition to the supervision over 10 to 11 compilations of the General Branch which work in itself is heavy. The Aval Karkun's load requires to be lightened by transferring supervision over some of the compilations entrusted to him to another person.

CHAPTER 13

THE ROLE OF THE DIVISIONAL COMMISSIONER IN PANCHAYATI RAJ ADMINISTRATION

13.1. The Divisional Commissioner is the Chief Controlling Revenue Authority for his Division in all matters connected with land revenue. He exercises statutory powers under various laws; besides, executive and administrative powers are delegated to him from time to time by the various Departments of the Secretariat. He is expected to inspect the offices of all the Collectors and all Taluka Officers within the prescribed period. So far as Zilla Parishads and Panchayat Samitis are concerned, he has to perform various duties under the Zilla Parishads Act. Under sections 263 and 264 of the Act, the Commissioner has to inspect Zilla Parishads and Panchayat Samitis in accordance with the rules prescribed therefor. Under section 68A, the Commissioner has power to decide disputes regarding validity of election of Chairman or Deputy Chairman. Similarly under section 45 (4), the Commissioner has to decide the cases referred to by the Collector regarding the validity of election of a President or Vice-President of the Zilla Parishad. In connection with the expenditure of the Zilla Parishad, under section 132 of the Act, sanction of the Commissioner is required for the expenditure by the Zilla Parishad out of the District Fund outside the area for any of the purposes of the Act. Under section 265, the Commissioner is authorised to prevent extravagance in establishment of the Zilla Parishad and on the requirement of the Commissioner, the Parishad has to reduce the staff to such extent as the Commissioner may direct. Thus a very important role is assigned to the Commissioner in respect of the Zilla Parishads and the Panchayat Samitis.

13.2. In these duties the Commissioner is assisted by the Deputy Commissioner (Development), an Officer of the rank of Collector. The latter is in charge of the Development Branch in the Commissioner's Office. He is assisted by two Tahsildars, one acting as Head Clerk and

looking after the Development and Accounts Sections and the other carrying out inspections of Panchayat Samiti Offices and Zilla Parishads.

13.3. *Development Section* :—The Development Section is headed by a Research Assistant and it consists of 6 Aval Karkuns and 3 clerks. The workload reveals that there is need for an additional hand for the Section. This is mainly due to the heavy workload relating to the Divisional Selection Board and Home District transfers. One additional clerk may be provided for this purpose.

13.4. *Inspection Squad* :—The Inspection Squad at Poona was constituted in September 1965 It is headed by a Tahsildar and it consists of 3 Aval Karkuns and 1 typist. According to the Government orders on Zilla Parishad inspections by the Divisional Commissioner, all Zilla Parishads in the Division are required to be inspected during a financial year. At least 12 Panchayat Samiti offices are required to be taken up so as to cover all Panchayat Samitis during a period of five years. The Inspection Memorandum prescribed is exhaustive. There are 6 Zilla Parishads and 65 Blocks in Poona Division. It takes 5 days for inspection of a Panchayat Samiti office and 7 days for that of a Zilla Parishad In addition to the work of watching compliance with inspection points, which has to be done at the headquarters, the Inspection Squad can undertake two inspections in a month. It covers all Zilla Parishads and 13 Blocks in a year. Thus all Panchayat Samiti Offices are inspected once in five years and every Zilla Parishad annually. The Inspection Squad as at present constituted does not include any accounts qualified person for going into the accounts matters of Panchayat Samiti and Zilla Parishad Offices ; the Head Accountant of the Accounts Branch sometimes accompanies the team. It is necessary to include one Deputy Accountant in the team as the present arrangement under which the Head Accountant accompanies the team for a few days is not adequate.

13.5. *Accounts Branch* :—The Accounts Branch consists of one Head Accountant, one Deputy Accountant, two Aval Karkuns, one Senior Accounts Clerk and one Clerk. The work in the Accounts Branch is sufficiently important to require the full-time attention of the Head Accountant. For dispensing with the administrative type of inspections carried out at present by the Technical Heads of Departments and Offices, as recommended elsewhere*, it would suffice if the Commissioner's inspection team is strengthened by the inclusion of one Deputy Accountant as suggested.

*Paragraph 14.7.

CHAPTER 14

INSPECTION AND SUPERVISION OVER THE WORK OF VILLAGE PANCHAYATS, PANCHAYAT SAMITIS AND ZILLA PARISHADS

Introductory

14.1. One of the three recommendations of a general nature made in the Report of the Reorganisation of Government Offices consequent on Democratic Decentralisation was that " after gaining experience of the working of the Democratic Decentralisation scheme for two or three years, i.e., say in January, 1965, it may be considered whether it would be desirable to reduce the degree of supervision by Government Officers over Zilla Parishad Officials and corresponding reduction made in the strength of regional and higher level officers " (*vide* paragraph 11 on page 7 of the Report). No such review has, however, been taken. During the course of this study, on going through the inspection reports of the various heads of departments and the forms prescribed and procedure followed for inspection of Zilla Parishads and Panchayat Samitis, it was observed that there is duplication and ineffectiveness in the inspections carried out by the officers at the Divisional and State levels.

Village Panchayats

14.2. Section 135 of the Bombay Village Panchayats Act, 1958, provides that it shall be the duty of the Zilla Parishad and the Panchayat Samiti to supervise and control the administration of Panchayats in the area for which they are established. Similarly, under section 136 of the same Act, the State Government may appoint for each district such officer working under a Zilla Parishad as it may specify to be a District Village Panchayat Officer, to discharge such functions as may be prescribed under the Act. At the Panchayat Samiti level, the Extension Officer (Village Panchayat) who is also called Taluka Panchayat Officer is directly responsible for supervision over the Village Panchayats. At the Zilla Parishad

level, the Administrative Officer who is a District Village Panchayat Officer under the Act is directly responsible for this work. The Block Development Officer and the Chief Executive Officer being the administrative heads of the Panchayat Samiti and the Zilla Parishad respectively also carry out inspections of Panchayats. Under the existing orders the Extension Officer (Village Panchayat) and the Block Development Officer are required to inspect 15 and 5 Village Panchayats per month respectively. The same inspection form for this purpose is in use by both these officers. The inspection form is comprehensive and gives a complete picture about the working and financial position of Village Panchayats. It contains as many as 52 items and covers the following points:

(i) The factual information like date of last inspection, establishment of Village Panchayat, names of Sarpanch and Assistant Gramsevak, etc.

(ii) Proceedings of Panchayat and Gram Sabha meetings.

(iii) Financial and budget matters including maintenance of accounts and various registers of recovery, demand, stamps, stock, etc.

(iv) Works matters like attendance of mazdoors and measurement book.

(v) Payment, audit and Government property.

(vi) Maintenance of various other files and registers like birth and death, marriage, small savings, audit notes, etc.

(vii) Proportion of expenditure incurred on various villages, details of receipt books and professional tax.

In addition to the 52 items, there are two items under the development programme showing the amounts received as grants from block office and progress regarding drinking water facilities. The inspection report is sent to the Sarpanch for compliance and a copy is sent to the Block Development Officer.

14.3. There is little to commend routine inspections by several authorities at different tiers in which each one covers the same ground. The Extension Officer (Village Panchayat) should be held primarily responsible to ensure that the Village Panchayat Daftar is properly maintained. Instead of filling in any form, he should make use of a check list on the lines of that prescribed in the Satara Zilla Parishad. A copy of the check list is reproduced in Annexure 7

14.4. It will be for the Administrative Officer and the Block Development Officer to keep the Extension Officer (Village Panchayat)

on his toes and to ensure that he is carrying out his functions properly. The Block Development Officer and the Administrative Officer need not, therefore, take up the elaborate primary inspection of the Village Panchayat Daftar. They may, instead, go through the inspection already carried out by the Extension Officer and by reference to selected items ensure that the latter's inspection has been thorough and methodical. A separate form was prescribed by the Satara Zilla Parishad for the use of the Administrative Officer. It is reproduced in Annexure 8. It can be used with suitable modifications as may be necessary for the inspections by Administrative Officers and Block Development Officers.

14.5. The statutory audit of accounts of Panchayats carried out through the agency of the Local Fund Audit under section 140 of the Bombay Village Panchayats Act, 1958, is extremely useful and may continue.

Panchayat Samitis

14.6. Under section 99(*a*) of the Zilla Parishads Act, every Head of Department of the Zilla Parishad may, in respect of works and development schemes pertaining to his Department, accord technical sanction thereto. Since the Heads of Departments are responsible for technical sanction and implementation of their schemes, they also visit Panchayat Samitis to review the progress. The Chief Executive Officers and the Deputy Chief Executive Officers also carry out inspections. They fill the form similar to that filled in by the Deputy Commissioner (Development). The State Regional Officers also prepare inspection notes, so far as their Departmental activities are concerned, after visiting the Panchayat Samitis. The Heads of Departments at the State level carry out similar inspections. The agency or the office furnishing the information for all these inspection parties is the same. The subordinate offices are thus always busy with one or other inspection party. These multiple inspections particularly those by the Regional and the Head of the Department levels can well be done away with as they are found to serve little purpose. Inspection by the Divisional Commissioner, who is a co-ordinating agency for all developmental activities at all levels, should be more effective.

Zilla Parishads: Administrative Inspections

14.7. Zilla Parishads are inspected by the Commissioner. Under the existing orders the Commissioner is required to inspect the Zilla Parishad every year and the Panchayat Samiti once in every five years. The questionnaires for inspection of Zilla Parishads and Panchayat Samitis contain 65 and 34 items respectively. These

inspection reports are very exhaustive and give a complete picture of the working, financial position, and the achievement of targets by the various departments. They also deal with compliance of audit notes and points raised at the previous inspections. In addition, for the purposes of accounts, the Zilla Parishads are inspected by the Accountant General and the Local Fund Audit. The Accountant General pays special attention to the expenditure on State level and agency schemes while the Local Fund Audit carries out inspection of Zilla Parishad and Block level accounts. Further, in accordance with section 127 of the Zilla Parishads Act, Government has authorised its officers to give technical guidance or assistance to any servant of the Zilla Parishad who is charged with the execution or maintenance of the concerned works or development schemes undertaken by a Zilla Parishad or a Panchayat Samiti. Various Heads of Government Departments at the Divisional and State levels carry out inspections of the Zilla Parishads and Panchayat Samitis ostensibly for the purpose of giving technical advice. Except for the Agriculture Department, no form for the inspections by these technical officers has been prescribed. On examining some of these inspection reports, it was observed that the inspections were more of an administrative nature. The reports contained information like population, name of the officer holding the charge, assessment of achievements and other factual information which should be available from the various returns received in the Divisional or Head Offices of these technical Departments. The remarks or suggestions of inspecting officers were also found to be of a general nature like "more attention should be paid to this work", "the progress in this respect is not satisfactory", and so on. It was observed that little attention was paid to secure compliance of these inspection reports. Thus the so-called technical inspections, mostly administrative in nature, were generally ineffective. The Divisional Commissioner is expected to undertake reviews of all the development activities in the District and Divisional Plan review meetings. The efficiency or effectiveness of the programmes executed by Zilla Parishads is not likely to suffer in any way if the administrative type of inspections carried out by the technical Heads of Departments and officers is dispensed with.

Technical Supervision

14.8. To the extent that technical supervision by the senior experts of the State Government is considered necessary, (it is felt that this would not apply in the case of the Agriculture, Animal Husbandry an allied Departments where the technical expertise would ith

Agricultural Universities), care should be taken to ensure that the technical experts do not dissipate their energies in re-enumeration or collection of data already available and of data of no significance for technical purposes.

Procedures

14.9. In the course of their studies of the working of the Zilla Parishads, the Work Study Teams have made a number of suggestions for improving the procedures followed by the Zilla Parishads, Panchayat Samitis and Village Panchayats. Such of these as have been approved by me have been brought out as an appendix to this report (Appendix 8).

ANNEXURE 7

(*Vide* para. 14.3)

Check List for Extension Officer (Village Panchayat)

No. of form given in the Bombay Village Panchayats (Budget and Accounts) Rules, 1959	Detailed check to be made
Form 1	Verify that the budget has been prepared within the prescribed time. If it is not prepared, do so immediately.
Forms 3 and 4	Verify that forms 3 and 4 have been filled up If not, arrange to have them filled in your presence. Having done so, check figures given in forms 3 and 4 for the relevant year against the entries in column 4 of form 1.
Form 5	(*a*) Verify balance at hand and that given in the bank book or savings book as against the figures shown in the Cash Book.
	(*b*) Verify every entry on the expenditure side against the voucher of expenditure given in form 5 In case the vouchers are missing, see that they are obtained and attached in the prescribed form.
	(*c*) Verify every entry on the receipt side since the last Inspection against receipts issued in forms 8, 10, 12, etc.
Form 6	(*a*) Verify that all individual items of receipts and expenditure under different heads since the previous inspection have been entered. If not, see that necessary entries are made.
	(*b*) Check the progressive expenditure against form 1 and in case of any excess in expenditure, take further action for the preparation of supplementary budget in form 2 in case the said action has not been taken.
Form 8	Check whether the assessment list for house tax is due for revision and if so advise the Gramsevak concerned on the further action to be taken.
Form 9	(*a*) Verify that the demand statement has been prepared in form 9 for the year under review. If it has not been prepared, have it prepared.
	(*b*) Verify whether the demand notices have been issued by the 1st of April for the said year. If they have not been issued, get them prepared and take further action to see that they are issued.
	(*c*) Scrutinise the names of defaulters of house tax, and if action has not been taken to prepare warrants under section 129, take further action in the matter. Try and [illegible] recovery [illegible] tion 129 [illegible] further
Forms 18 and 19 ..	(*a*) Make complete verification of dead-stock.
	(*b*) Verify that all items of purposes shown in the cash book have been entered in forms 18 and 19.
Form 20	Advance and Deposit register to be checked up.
	Proceeding book is properly maintained; monthly meetings are called.
	Notices of monthly meeting are issued.

ANNEXURE 8

(*Vide* para. 14.4)

Form of Inspection of Village Panchayats

Serial No.	Item	Inspecting Officer's remarks (Where possible the S. Nos. of items checked should be entered in the remarks column)
1	2	3
1	*Form No. 1.*—(*a*) Was the budget for the current year prepared and got approved within the prescribed time limit ?	
	(*b*) Check any six entries made regarding the actuals of previous years as against those given in forms 3 and 4. Have the said entries been correctly made ? If not, what are the defects ?	
	(*c*) Has adequate provision been made for important functions of the Panchayat ? If not, what suggestions do you have ?	
2	*Form No. 3.*—(*a*) Is form 3 maintained up-to-date ?	
	(*b*) Verify ten entries in form 3 against those in form 6 mentioning the items. Have any discrepancies been found ?	
3	*Form No. 4.*—(*a*) Is form 4 maintained up-to-date ?	
	(*b*) Verify ten entries in form 4 against those in form 6 mentioning the items. Have any discrepancies been found ?	
4	*Form No. 5.*—(*a*) Does the balance shown in the Cash Book agree with that on hand and as shown in the bank book or Savings account ? If not, obtain the explanation of persons concerned.	
	(*b*) Verify ten entries of expenditure against the respective vouchers in form 15. (Entry No. should be given). Has any difference been found ? If so what ?	
	(*c*) Verify ten vouchers on the receipt side against the actual receipts issued in forms 7, 10, 12, etc. giving the item numbers.	
5	*Form No. 6.*—(*a*) Check the progressive expenditure against the budget provision in form 1, for ten items. Has any excess been incurred ?	
	(*b*) In case any excess has been incurred, verify whether supplementary budget has been prepared.	
6	*Form No. 8.*—(*a*) Is the assessment list for house-tax due for revision ?	
	(*b*) If so, give detailed instructions as to the further action to be taken.	
7	*Form No. 9.*—(*a*) Has the demand statement been prepared for the year under review ?	
	(*b*) Have the demand notices been issued by the 1st of April as prescribed ?	
	(*c*) Verify the progress of recovery and give further directions as to the action required to be taken.	

Serial No.	Item	Inspecting Officer's remarks (Where possible the S Nos. of items checked should be entered in the remarks column
1	2	3
8	*Profession Tax.*—(a) Has the demand statement for Profession Tax for the current financial year been received? If not, take further action at the Taluka level. (b) Check the progress of recovery of Profession Tax. (c) Has the amount recovered as per receipt book been credited with the Panchayat Samiti and in the Panchayat Fund in the proportion of 70 : 30? Check in the case of ten receipts.	
9	*Panchayat Audit.*—(a) How many audit points are pending? (b) Read through the pending audit points and give necessary directions In case more than 5 audit points are pending, read through any five. (c) Does the Village Panchayat Extension Officer seem to have taken interest in the disposal of audit points?	
10	*Monthly meetings.*—(a) Is the monthly meeting being regularly held? (b) Have the notices of the meetings been issued at least three days prior to the date of the meeting as required by rules? (c) Has the muster roll of the meeting been duly maintained? (d) Has action been taken on resolutions passed in the last meeting?	
11	*Gram Sabha.*—(a) Are the meetings of the Gram Sabha convened twice a year as required by rules? (b) Has a separate proceeding book been maintained for the meetings of the Gram Sabha? (c) Are the copies of the proceedings being regularly sent to the authorities concerned for necessary action?	
12	*Members and Membership.*—(a) Has any member been absent from the village for a period of more than 4 months without permission of the Panchayat? (b) Has any member been absent from the monthly meeting for more than six months?	
13	*Fair Price Shop.*—Whether fair price shop is run by the Village Panchayat, if so whether all registers are maintained by the Village Panchayat in the matter.	
14	*Form No. 17 Stamp Account.*—Does the balance shown in the Stamp Account agree with that on hand? Check any six entries in form No. 17 against those shown in the outward register.	
15	*Form No. 19 Dead Stock Register.*—Whether all articles have been taken into the dead stock register. Verify physically against 5 items.	
16	*Form No. 20*—Whether register of Advance and Deposits is maintained to date.	

Station :

Dated : Signature and designation of Inspecting·

PART IV

THE DEVELOPMENT ADMINISTRATION AND PANCHAYATI RAJ— THE STATE SECTOR

CHAPTER 15

THE DIRECTORATE OF AGRICULTURE

Recent Developments

15.1. There has been a phenomenal growth of the Agriculture Department in recent years. On the 1st May 1960, the sanctioned strength of the Department was 8,638. In September 1968, information about the staffing in the Department was sought. The Agriculture and Co-operation Department in the Sachivalaya was unable to furnish it. It advised informally that the information may be obtained from the Regional Offices, viz., the Superintending Agricultural Officers, as it was unlikely that the Director of Agriculture would readily have the information in his own office. When the Superintending Agricultural Officers were asked by demi-official letters to furnish the information, they took long to furnish it as they had to collect it from their own subordinate offices and from the Chief Executive Officers of the Zilla Parishads. The senior-most Regional Officers of the Agriculture Department saw no incongruity in asking the Chief Executive Officers of the Zilla Parishads to furnish information to them about their own Department's staff (not the Zilla Parishad's) ! It would be true to say not only that the Department's left hand did not know what its right hand was doing but that neither hand seemed to care to know what was in it !

15.2. According to the information given in December 1968, the strength of the Department (excluding the posts sanctioned for the Agricultural Colleges, now transferred to the Agricultural University and the local sector staff of the Zilla Parishads) was 26,516, i e., more than three times of what it was on the 1st May 1960. It is true that the activities of the Department have increased considerably owing to the priority assigned to agriculture in the Third Five-Year Plan and the importance attached to achieving self-sufficiency in food after the declaration of National Emergency. But these factors cannot by themselves account for the growth of the Department,

such unwieldy proportions. It appears that for dealing with any problem or difficulty, be it shortage of inputs or failure to utilise irrigation facilities or insufficient response from farmers, the solution offered by the Department was more and more staff. Questions about the possibility of redeploying the sanctioned staff to make it more effective, the availability of persons having the required qualifications, training and experience, the role of the Department in regard to schemes entrusted to Zilla Parishads, etc. were, it seems, either not raised or considered trivial. While a certain dilution in the quality of the personnel can be expected when there is an unplanned expansion in organisations, in no other department has such dilution been so pronounced as in the Agriculture Department. To illustrate, at one point of time, of the five Class II Officers working in the engineering wing of the office of the Superintending Agricultural Officer, Poona, only one was a qualified engineer; one was a B.Sc. (Agri.); the remaining three were non-matriculates. The Department's approach seems to have been to consider the mere creation of posts with appropriate designations as victory over plan targets.

15.3. Initially the Agriculture Department was a unified department in charge of all activities including extension, research, education, regulation, engineering and soil conservation. With democratic devolution, the bulk of the extension activities were passed on to the Zilla Parishads. In the earlier* parts of this Report, it has been recommended that all extension work at the district level and below should be handled by the Zilla Parishads. With regard to education and research, the scope of these is not merely confined to production of graduates and research in the laboratory. For a subject like agriculture, research and education have necessarily to be linked organically with extension so that the problems of the cultivator are sought to be solved in research and the fruits of research are passed on from the laboratory table to the field. The Department, while it was the unitary agency, was uniquely equipped to co-ordinate all these activities. Unfortunately, the different activities seem to have been compartmentalised and very little achieved in securing close co-ordination between the activities in the different compartments. The Director of Agriculture in his review has observed that "the integration of research, education and extension is yet to be achieved" and "the Agricultural University has, therefore, been established with a view to bringing about the above integration." If extension at the district level and below is passed on to the Zilla Parishads and not merely research and education but also integration

*Paragraph 9.7.

of the research, education and extension is the function of the Agricultural Universities, *prima facie,* the Department would be left with little to do except attending to soil conservation, engineering activities and some regulatory functions. In a later part of this chapter, the transfer of the engineering activities from the Department to the Zilla Parishads has also been recommended. The Director in his review note, however, took the curious stand that with the transfer of the activities relating to extension, research and education, not only the workload in the Department would not change but, in the initial stages, there will be increase in the workload because in spite of the transfer of these activities, the Department would continue to provide funds, watch the expenditure, prepare budgets and arrange programme planning and evaluation for all these activities. The Director's view-point is, to be fair to him, consistent with the Department's approach to these matters which has been referred to.

15.4. At one stage, the Department was asked to report the progress which it has made in the implementation of the recommendation of the Administrative Reorganisation Committee that the Superintending Agricultural Officers should be relieved of administrative work. In the process of finding answers to this query, a hare was started long before I had settled down to applying my mind to this question that the Commissioner (Administrative Reorganisation) was proposing the abolition of the Superintending Agricultural Officers. The Department then set about to find ways and means of meeting this situation. While the work relating to this Report was still in progress, it is understood that the Department has issued orders for a reorganisation scheme of its own providing for a vertical organisation from the district to the State level with further proliferation of posts. Those orders have come at too late a stage to be taken into consideration. But, in the present enquiry, the structure that has been evolved has been based purely on the requirements of a rational organisation for carrying out the functions with regard to agricultural development in the light of the policy of democratic devolution and also the creation of two Agricultural Universities.

15.5. A word on the Agricultural Universities and their place in the scheme of things would not be out of place here. The seed of the Agricultural Universities can be traced to the recommendation of the Radhakrishnan Committee in 1948 for the establishment of Rural Universities on the pattern of the Land Grant Colleges in America. The seed found fertile ground and two Indo-American teams set up under the sponsorship of the Indian Council of Agricultural Resear itself recommended the establishment of one Agricultural Univ

per State immediately. The State Government appointed a Committee in January 1965 to go into the question. In the light of this Committee's recommendations the Maharashtra Agricultural University was created by the Maharashtra Agricultural University (*Krishi Vidyapeeth*) Act, 1967. Later, the same was re-named the Mahatma Phule Krishi Vidyapeeth and another University, namely, the Punjabrao Krishi Vidyapeeth was also established. The basic rationale for establishing the Agricultural Universities in the State as given in the Report of the Advisory Committee for establishment of Agricultural University, Maharashtra, is as under:

"Generally speaking education research and extension were allowed to develop in separation from each other, though conscious efforts to bring about a closer relationship between teaching, research and extension were not wanting. However, it was difficult to do so under the present administrative arrangements. The training imparted by the agricultural and veterinary colleges has been on the pattern of liberal education in the Arts and Science colleges. It has no proper bearing on research and problems of rural population. It has been the unanimous opinion of the different committees appointed by the Government of India so far, that unless and until our programmes are overhauled and reoriented, it is not possible to meet the country's goal of increased agricultural production.

At present the agriculture and veterinary colleges have been affiliated to the autonomous Universities of the traditional type. The curricula are determined without adequate consideration of the needs of the farmers and the country. These were again tied down by rigidity of syllabi and standard type of examinations. On the research side, the Government established a number of research stations but they could not be developed to the required extent. The extension workers are burdened with the work of supplies and services to the detriment of extension teaching. The improvement in the existing state of affairs can be brought about effectively, by establishing the Agricultural University."

15.6. The establishment of an Agricultural University was thus sought to be justified on the following grounds:

(*a*) A need to develop teaching, research and extension education in an integrated manner.

(*b*) A need to relate training imparted in agriculture and veterinary colleges more closely to the requirements of the rural population.

(c) A need to further develop research stations to the required extent.

(d) A need to unburden the extension workers of the functions of supplies and services.

15.7. It may be stated, with respect, that not a single one of the aforesaid objectives is such as could not have been attained by the Department when all the activities were functioning under it in a unitary manner, if the Department had its heart in them. In fact, the question of co-ordination would, administratively speaking, be far easier to tackle if there is a single line of control from the top. It does not seem that a separate organisation such as the Agricultural University was necessary in order that these objectives be achieved. There was unlimited scope for dealing with each of these objectives in an integrated administration with a single line of control as shown below :

(a) Teaching, Research and Extension education could have been developed in an integrated manner under the Department of Agriculture itself. The duties of the teaching staff were determined by the Director of Agriculture and it was for him to require the teacher to carry out the extension education, research and teaching if he so desired. The University merely restricted the total number of lectures to be delivered but did not prescribe a minimum.

(b) No doubt, the syllabi for the training to be imparted at the Agricultural and Veterinary Colleges were determined by the Board of Studies of the University concerned. But these Boards of Studies were themselves dominated by employees in the Department of Agriculture or of Animal Husbandry. Except for one college in the private sector, all the other Agricultural and Veterinary Colleges were Government institutions and the Heads of Departments in the various disciplines in these colleges were all Government servants. The Director could well have co-ordinated the requirements of teaching with the requirements of the rural population with the co-operation of his field and teaching staff. The teaching staff which contributed to the task could then, sitting on the University Boards of Studies, have secured the approval of the latter to the appropriate syllabi which they themselves had helped to formulate.

(c) The development of Research Stations would depend on the funds available with Government and the proposals for research sponsored by the Department. It is difficult to see how, by [illegible] mere substitution of the University for the D[illegible]

functions would get a fillip unless it is presumed that the creation of the Universities would result in much larger resources being available for these purposes to the Universities than would be available to the Government. No foreign funds are today being made available to the Universities except through the Indian Council of Agricultural Research. These funds are available both to Research Stations under the State Government and to Universities, and allotments are merely made on the basis of proposals submitted rather than on the basis of the sponsoring authority. In fact, with the establishment of two Agricultural Universities and the development of two major campuses, the funds that would have been otherwise available for the development of Research Stations would no longer be available to the extent that they are required to be diverted to structures of brick and mortar for a Sub-division annually."

(*d*) As for the last function, viz., the function of supplies and services, it can appropriately be performed by co-operatives or by suitable agencies in the private sector. To the extent that the accomplishments of these agencies would have to be supplemented by the Department itself, this could well be done by the provision of adequate staff for the distribution and accounting of the supplies and services. With the devolution of the extension function proper to the Panchayati Raj institutions, and the function of supplies and services not being allotted to the Agricultural Universities as their function, it is a little difficult to understand how this argument can justify the need for Agricultural Universities.

15.8. There is room for a feeling that the Agricultural Experts in the country got sold on the idea of Land Grant Colleges of the United States and zealously pursued the establishment of the Agricultural Universities on that pattern. As observed by Dr. Ensminger of the Ford Foundation in the course of a discussion, the mere copying of the Institution of the Land Grant Colleges will not achieve results. What is wanted is the spirit behind the Land Grant Colleges and the manner in which the Land Grant Colleges function with close links with the farmers and their problems. It is permissible to question if the mere creation of new institutions and transfer of personnel from one organisation to another in which the top employees have secured autonomy for themselves, while the bill continues to be footed by the same old payer who no longer calls the tune, would result in substantial gain. At one stage, a suggestion was made that the Mahatma Phule Krishi Vidyapeeth may also come within the purview of this enquiry. It was, however, considered that a reorganisation of this University which was still

in the stage of being fully organised was somewhat premature. Further, I myself felt diffident to take over this charge without having had an opportunity to study the working of the Land Grant Colleges which formed the inspiration for these Universities so as to be able to recommend the adaptations necessary to suit our own conditions. While the Universities are not within the purview of the task entrusted to me, their creation and the functions entrusted to them materially affect the residual sphere of the Department and the question of the rational organisation required for it which would ensure that there is no overlapping as between the Department and the Universities of the functions which now properly belong to the Universities.

Research and Education

15.9. In his review note the Director of Agriculture has made the following observation:

"While Agricultural Research and Agricultural Education have been considerably expanded, the integration of research, education and extension is yet to be achieved .. .. The Agricultural University has, therefore, been established with a view to bringing about the above integration ..... "

The Acts establishing the Mahatma Phule and the Punjabrao Agricultural Universities also specify the integration of the three activities as one of the purposes for which the Universities have been established and provide for the transfer of the existing institutions and programmes undertaking research, education and extension education, to the Universities. Unless these provisions are observed in the proper spirit, it would not be possible for the Universities even to attempt to integrate these three activities.

15.10. It is seen from Government Resolution, Agriculture and Co-operation Department, No. AGU. 1168/15454 (3)-V, dated the 8th May 1969, that on the transfer of the Soils Specialist to the Mahatma Phule University, the Trial-*cum*-Demonstration farms over which he was exercising technical control have been placed under the control of the respective Superintending Agricultural Officers (*vide* paragraph 3 of the Government Resolution and Statement 'B' referred to therein). In the words of the Soils Specialist, the "farms have been established :

(i) to study the possibilities of growing different crops under irrigation ;

(ii) to study the economics of irrigated farming under different irrigation conditions ;

(iii) to ascertain the water and manurial requirements of different crops; and

(iv) to explore how best and economically the irrigation water can be utilised by following suitable irrigation methods, considering the limitations of soil, climate and natural conditions".

The Soils Specialist used to chalk out a plan of research for these farms and periodically inspect the farms.

15.11. These activities clearly relate to research and cannot possibly be carried out without the farms where such research is to be conducted. Nor can such farms fulfil these objectives without research work being carried out thereon. The farms have, however, been retained in the State sector on the specious plea that:

(i) the farms are primarily meant for demonstration of improved and intensive methods of irrigated agriculture and judicious use of irrigation water to the cultivators in the command areas; and

(ii) the trials on irrigated cropping and irrigation techniques will be taken as a first step of demonstration work and that fundamental research is not intended to be carried out at these farms.

Both these pleas completely ignore the provisions of the statutes under which the farm universities are set up. Section 47 of both the statutes requires the Universities to "conduct demonstration and training programmes for the benefit of students, extension workers, cultivators and other rural people." The section emphasises that "increased agricultural production shall be the principal objective of all extension activities" and that "these activities shall be co-ordinated with the other functions of the University and other appropriate agencies in the University area." Having retained the farms, the Department contemplates the creation of four posts of Class I officers for giving technical guidance. Such proliferation of staff has scarcely any justification. It follows, therefore, that the trial-*cum*-demonstration farms and other demonstration units should be transferred to the respective Universities and the State Department should be divested of these. With the transfer of research to the Universities, the Directorate would no longer be competent to handle them.

15.12. Section 7 of the Maharashtra Agricultural University (*Krishi Vidyapeeth*) Act, 1967 and of the Punjabrao Agricultural

University (*Krishi Vidyapeeth*) Act, 1968 came into force from the 1st June 1968 and the 20th October 1969 respectively. According to clause (7)/(6) of the said section, agricultural schools, gram-sevak training centres, home science wings, workshop wings, soil conservation training centres and short-term courses such as gardening or mali training, oil engine training in the use and maintenance of oil engines, stockmen training, poultry training, mass training, refresher training and the like are required to be transferred to the Mahatma Phule University before the 1st June 1971 and the Punjabrao University before the 20th October 1972.

15.13. It is now more than a year since section 7 came into force in respect of the Mahatma Phule University, yet practically all of the institutions and training programmes [specified in clause (7) of that section] within the jurisdiction of that University are still with the Directorate or Zilla Parishads. (Agricultural schools and a part of the programme for mass training of farmers are with Zilla Parishads) It is seen from Government Resolution, Agriculture and Co-operation Department, No. AGU. 1169/15454 (3)-V, dated the 8th May 1969, that on the transfer of the specialists who were in charge of the Vocational Training Units of Mass Training Programme (State sector) to the University, the Units have been retained in the State sector and placed under the control of the Superintending Agricultural Officers. As in the case of research activities there is no justification for retaining the Units in the State sector or with the Zilla Parishads when the specialists in charge thereof are transferred to the Universities. If the Superintending Agricultural Officers are under-employed, there could be a remedy for that. Placing these Units under their control is not the appropriate remedy. It is therefore, recommended that all the institutions and programmes covered by clause (7)/(6) be transferred to the Universities with the least possible delay. A phased programme for the expeditious transfer of such institutions and programmes within the permissible period should be drawn up and adhered to.

Extension Programmes

15.14. With the transfer of all research institutions and training programmes to the Universities as recommended and taking into account the activities of the Zilla Parishads the remaining activities at the district and lower levels at present in the State sector would fall into the following four groups :

(1) Extension programmes for major [illegible] horticulture ;

(ii) Engineering activities which include the operation of the schemes for boring and blasting of irrigation wells, tractor ploughing and land development by using bulldozers and the running of workshops ;

(iii) Soil conservation ; and

(iv) Other Residuary activities like Taluka Seed Farms, collection of statistics, etc.

15.15. The Administrative Reorganisation Committee has recommended that all extension work should be carried out only by the Zilla Parishads and has criticised the continuance of independent organisations down to the village (*vide* paragraph 9.64 of its Report and recommendation No. 9.48). The panel for Agricultural Administration, appointed by the Central Administrative Reforms Commission, has recommended a vertical structure with a single line of control from the village to the State level for all agricultural activities. The panel on District Administration appointed by the same Commission on the other hand recommended devolution of extension activities to Panchayati Raj institutions at the district and lower levels. The Commission itself in its report on State Administration has virtually accepted the latter recommendation and favours the transfer of responsibility for all development work to the Panchayati Raj institutions. It was understood that the Commission has left the proposals of the panel on Agricultural Administration for the consideration of the Agricultural Commission which was then in the offing. As far as our State is concerned, as already referred* to, Government has accepted the recommendation of the Administrative Reorganisation Committee that the vertical organisation of technical departments may not spread below the regional level. There is no reasonable ground for delay in the implementation of the aforesaid decision of Government and all extension programmes at the level of the District and below should be transferred to the Panchayati Raj institutions.

Engineering Activities

15.16. There are four main schemes of Agricultural Engineering : (i) Boring of wells, (ii) Blasting of wells, (iii) Tractor ploughing and [illegible] and Develo[illegible] Bulldozers. Of these, the first thr[illegible] n transf[illegible] [illegible]t to the Zilla Parishads under sec[illegible] of the [illegible] a Pari[illegible] and Panchayat S[illegible]

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15.17. With regard to the schemes transferred to the Zilla Parishads, the *modus operandi* is as follows :-

The targets are fixed by the Director of Agriculture and the *Zilla Parishads are responsible for adhering to and achieving* these targets by obtaining applications from the cultivators concerned. While the programme is to be implemented by the *Zilla Parishads, the machinery, vehicles and implements to be* used for the purposes of the schemes vest with the State Government. It is the State sector which is responsible for keeping the machinery, vehicles and implements in proper repair as also for the appointment of and control over the operative staff. The Divisional Soil Conservation Officer in each district has been given control over the machinery within the district.

15.18. It was found that, *except for tractor ploughing, optimum* utilisation of other machinery was not being achieved. In discussions State sector officials blamed the Zilla Parishads for defective planning and inadequate and scattered programming and the Zilla Parishad officials complained that the State sector officials [illegible] execute the given programmes. Dual control was found irksome by both the Zilla Parishad officials and the State Government officials and has nothing in its favour to recommend it. It should be abolished.

15.19. In the State sector the following officers [illegible] the supervision and control over the machinery [illegible]

(i) The Agricultural Engineers [illegible] Director at the Divisional level [illegible] Division [illegible]

[illegible]

(ii) [illegible]

Director at the headquarters having questioned the inadequate work of the Agricultural Engineers.

(c) The story with regard to stores as revealed in the enquiry by the Work Study Team is the usual stores story, if one may say so. There has been no particular care or anxiety to effect inventory control or determine optimum requirements. Purchases have been made far in excess of the annual utilisation, resulting in heavy capital being locked up unnecessarily.

It is argued that, if these activities are transferred to the Zilla Parishads, the position may not improve. Nevertheless, the performance in the State sector is not such as to offer a plausible reason for retention of these activities in the State sector.

15.20. In respect of the schemes transferred to the Zilla Parishads, viz., Boring and Blasting of Wells and Tractor Ploughing, it cannot be claimed that retention of control over machines has resulted in efficient and economic arrangements for maintenance, repairs and stores. The programmes themselves have suffered due to dual control. The argument in favour of retaining the State control in this sphere is that, as the machinery and equipment belong to Government, Government may consider it necessary to transfer the machinery and equipment from one Zilla Parishad to another in the exigencies of administration taking into account the overall needs of the State. Such an argument would by no means clinch the issue. In transferring the machinery and equipment to the Zilla Parishads, Government could retain the right to withdraw machinery and equipment from one Zilla Parishad and transfer it to another. If such a condition is made a part of the transfer, it would not be necessary to retain control within the State sector over the machinery and equipment and on the staff operating it.

15.21. It is, therefore, recommended that all machinery be transferred to the Zilla Parishads. Such transfer may be for a limited period. Such facilities should in the long run be developed either by private parties or co-operative institutions or the Maharashtra Agro-Industries Development Corporation. Today, the Maharashtra Agro-Industries Development Corporation does not have a district set-up. When, however, the said Corporation is ready to establish a district set-up and take over this activity, it would be desirable to transfer the machinery to the said organisation. This would enable the utilisation of the machinery on a commercial basis and may minimise the defects of the present system such as under-utilisation of machines, lack of effective

control, poor stores management, etc. It would probably be cheaper to subsidise such a commercially operated programme to meet limited losses, rather than run the programmes departmentally under Government or the Zilla Parishads.

15.22. Under the bulldozing scheme operated by the State sector, the bulldozers are usually given to cultivators on hire at economic rates. The general policy is not to use the machines on soil conservation programmes which are meant to be labour-intensive If, however, the machines are idle and the cultivators agree to bear the economic charges, bulldozers are used for soil conservation programmes also. It should not be difficult for the Zilla Parishads to operate this scheme also along with the other three schemes. It should, therefore, be transferred to the Zilla Parishads.

Plant Protection Appliances

15.23. When the plant protection scheme was transferred to the Zilla Parishads, only hand-operated appliances were transferred permanently to them. Power-operated appliances were retained in the State sector. These appliances are kept at the block headquarters, seed farms, research stations and other convenient centres to enable the farmers to get them as and when required on payment of nominal hire charges. With the purchase of 410 appliances during 1969-70, the total number of such appliances will be 6,510, i.e., about 65% of the total estimated requirement of 10,000.

15.24. As the entire plant protection programme including aerial spraying has been transferred to the Zilla Parishads, there is little justification for retaining these appliances in the State sector. Firstly, the retention hinders full utilisation of the machines, as it is the Zilla Parishad and block staff which advises the cultivators to take up plant protection measures, organises plant protection campaigns and arranges for distribution of insecticides and pesticides purchased by Government and stocked with the Zilla Parishads. Secondly, of the two institutions where the appliances are now located, research stations have been transferred to the Agricultural Universities and seed farms will be transferred to the Zilla Parishads. Thirdly, the transfer of the appliances to the Zilla Parishads will eliminate the need to have special staff in the State sector for maintenance and repairs thereof. It is, therefore, recommended that the power-operated plant protection appliances be transferred to the Zilla Parishads

15.25. The number of power-operated appliances is large to permit equitable distribution among all Zilla P

each Zilla Parishad would be more or less self-sufficient. Considering that Zilla Parishads, Panchayat Samitis and progressive cultivators have gone in for purchases of such appliances on their own account, the occasions to move appliances from one district to another may be rare. Nevertheless, as a precaution, while allotting the appliances to the Zilla Parishads, provision may be made for the requisitioning thereof at the discretion of the Divisional Commissioner.

15.26. With the transfer of all machinery and appliances to the Zilla Parishads, it will be necessary to transfer all workshops established for the maintenance of the machinery to the Zilla Parishads. Four divisional and six district workshops already exist and further six district workshops are to be established during the Fourth Plan. Certain Zilla Parishads have already established their own workshops. All Zilla Parishads should be given loans to establish workshops. The existing workshops could be transferred to Zilla Parishads at the depreciated value as against the aforesaid loans. The aforesaid workshops should be run on a commercial basis and charges levied for the repairs carried out on the vehicles and equipment repaired. These workshops could then be expected to handle machinery not only of the Agriculture Department but also any machinery purchased by the Zilla Parishad and also the large number of vehicles already with the Zilla Parishad including those that may be transferred hereafter.

Soil Conservation : Norms of Work

15.27. Before discussing the working of Soil Conservation Sub-Divisions and Divisions, it is necessary to deal with the problem of the work-norm of a Soil Conservation Sub-Division, as the strength of the Soil Conservation Organisation depends upon the work-norm. The average output per sub-division was 13,434 acres in 1961-62 and 13,239 acres in 1962-63, against the norm of 12,500 acres. When the Third Plan target was raised to 52·50 lakh acres from 35 lakh acres, it became necessary to open additional divisions and sub-divisions. While working out the annual targets and the phased programme for creating additional divisions and sub-divisions for achieving those targets, the Department assumed that a sub-division would cover 12,500 acres per annum after completion of 18 months of its existence. During the initial 18 months, the output would be lower.

15.28. As contemplated in the phased programme, additional 139 sub-divisions were sanctioned during the Third Plan for contour bunding. Terracing was also carried out by some sub-divisions.

One acre of terracing is considered equivalent to ten acres of bunding. The sub-divisions sanctioned covered 47·36 lakh acres by bunding and 0·48 lakh acres by terracing as per the phased programme. In terms of completed bunding works, the achievement was 52·16 lakh acres against the target of 52·50 lakh acres. It is thus clear that during the Third Plan, the sub-divisions were able to function in accordance with the aforesaid norms.

15.29. The targets for bunding and terracing in the first Draft Fourth Plan and the Annual Plan 1966-67 required a coverage of 12,000 acres per annum per sub-division. In the Annual Plan for 1967-68, the target was further reduced to 10,000 acres per sub-division. This reduction in contour bunding was for want of adequate funds. This will be clear from the following table which shows the targets and provisions proposed by the Director of Agriculture and those finally retained in the Annual Plan 1967-68:

Director's Proposals		Annual Plan 1967-68	
Target (Acres in lakhs)	Provision (Rs. in lakhs)	Target (Acres in lakhs)	Provision (Rs. in lakhs)
20·00	1258·72	15·80	957 00

15.30. Moreover, the achievement for terracing during the Annual Plans 1966-67 to 1968-69, viz., 0·92 lakh acres, exceeded the Fourth Plan target of 0·91 lakh acres and that for contour bunding during the same period was 14·33 lakh acres per annum against the assumed average of 10·50 lakh acres per annum in the Draft Fourth Plan. The achievement for the period 1966-67 to 1968-69, viz., 42·98 lakh acres, was less than the target of 49·30 lakh acres, but this was mainly due to shortage of labour.

15.31. In the first Draft Fourth Plan, it was pointed out that the soil conservation organisation was capable of executing the entire Fourth Plan Programme of bunding, terracing and land development for horticulture. After considering the proposals, the Planning Commission's Sub-Group on Soil Conservation had observed as follows:

"Judging from the achievement of the physical targe[illegible] 1965-66 and that anticipated for 1966-67 the [illegible] for the 4th Plan was considered by the Sub-Group [illegible] fact there is scope for even enhancing it."

15.32. While considering the Annual Plan for 1968-69, the Sub-Group on Soil Conservation observed that "the State Government had adequate capacity for full coverage of the targets. However, the outlay as proposed was not adequate for full achievement of the targets, particularly in respect of the main scheme for contour bunding." At no stage during the Third Plan period was any suggestion made that the work-norm should be less than 12,500 acres per sub-division. The actual performance during the Third Plan was also more or less in accordance with the norm. The target for 1966-67 assumed an output of 12,000 acres per sub-division. Nevertheless, the Department now urges that the output of over 12,000 acres was achieved only because normal procedures were not followed. It is pertinent to note in this connection that the rating system adopted by the Department for assessing the work done by an agricultural assistant was based on the assumption that a sub-division should cover 12,500 acres in a year.

15.33. The Department has claimed that the Sub-Group on Soil Conservation has given full consideration to the question of work-norm and that it has recommended "that the proper norm of coverage per sub-division would be 7,000 acres in terms of bunding units." In fact all that the report of the Sub-Group on Soil Conservation which discussed the draft Fourth Plan (1969-74) and the Annual Plan 1969-70 says on the subject is this:

> "At the same time, the Sub-Group considered the present norm of 4000 hectares per sub-division annually on the high side and recommended adoption of the output norm of 3000 hectares only for a Sub-division annually."

Considering the performance of the soil conservation organisation, the programmes proposed by the Department for the first Draft Fourth Plan and the Annual Plans 1966-67 to 1968-69 and the Sub-Group's earlier pronouncements about the capacity of the organisation. the Sub-Group should have given reasons justifying a reduction in the norm, instead of recording a cryptic recommendation.

15.34. Another argument advanced for reducing the work-norm is as follows:

> "The present work-norms under various programmes were fixed in the past when the programme was mainly concentrated on contour bunding aspect of soil conservation on agricultural land in scarcity areas. The soil conservation programme now has not remained merely contour bunding in agricultural land.

The concept of developing water shed, which includes contour or grade bunding, gully plugging, land shaping in upper reaches, levelling, providing drainage and so on has now been accepted. In a catchment, all these items of work are required to be undertaken if full potentialities of land are to be exploited."

The statement that the aforesaid concept is a new one and was not taken into account earlier is a little difficult to swallow. The Soil Conservation Programmes in all the earlier Plans were drawn up by experts in the field who by then had enough experience of earlier soil conservation done in Bombay Province and had enough technical knowledge and competence to know the futility of contour bunding without gully plugging etc. Besides, in January 19[illegible], while arguing for the continuance during the Fourth Plan period (1966-71) of all the nine Soil Conservation Training Institutions, the Director of Agriculture had stressed these very aspects. The decision of the Sub-Group of the Working Group referred to earlier cannot be accepted in the absence of cogent arguments or reasons in support thereof. It is not unlikely that faced with reductions in the Plan allocations the anxiety of the experts was to ensure that the organisation that had been built up would not have to be partially disbanded. This consideration was in fact cited in a letter from the Secretary, Agriculture Department of the State to the Finance Secretary. I recommend, therefore, that the norm for a Sub-Division may be prescribed at 12,[illegible] acres with the proviso that where the soil conservation work is widely spread out and not in large contiguous blocks, a norm of 11,[illegible] acres may be considered adequate.

Soil Conservation Organisation

1525. There are two types of Divisions: (i) Divisions attending to only soil conservation work and (ii) Divisions attending to Residuary and Engineering activities in addition to regular soil conservation work. As recommended elsewhere, the Soil Conservation Divisions will not be required to attend to the Residuary and Engineering activities. The working of Divisions attending only to soil conservation work, therefore, [illegible] discussed. All soil conservation programmes are executed by the Sub-Divisions. [illegible] Conservation Officers, the Divisional Soil Conservation Officers function as supervisory, inspecting and controlling authorities. In all stages of soil conservation work e.g. preparation of survey estimates, preparation of [illegible] plans and [illegible] the initial work is done by Agricultural Assistants [illegible] of an Agricultural Supervisor. The [illegible]

be exercised by the Sub-Divisional Soil Conservation Officer and Divisional Soil Conservation Officer are:

Sub-Divisional Soil Conservation Officer

(i) Check at least 20 per cent. of the survey and levelling work in his Sub-Division including block above 200 acres. Check should be evenly distributed over all charges.

(ii) Check bund alignments in field (Percentage not prescribed).

(iii) Check at least measurements of 7½ per cent. of the expenditure or Rs. 40,000 whichever is less. Check should be evenly distributed over all charges.

Divisional Soil Conservation Officer

(i) Check at least 5 per cent. of the survey and levelling work in his Division including all blocks of 300 acres and above. Check should be evenly distributed over all the Sub-Divisions.

(ii) Check bund alignments in field (Percentage not prescribed).

(iii) Check at least measurement of 2 per cent. of the expenditure or Rs. 50,000 whichever is less. Check should be evenly distributed over all Sub-Divisions in the Division.

Any further checks at higher level are redundant.

15.36. At present the Sub-Divisional Soil Conservation Officer cannot approve survey or detailed plans and estimates. The powers of the Divisional Soil Conservation Officer in this regard are limited to Rs. 20,000, those of the Superintending Agricultural Officer to Rs. 35,000 and those of the Director of Agriculture to Rs. 50,000. Consequently, all estimates including survey estimates of paltry sums have to be referred to the Divisional Soil Conservation Officers. The survey and detailed plans and estimates of works are initially prepared by an Agricultural Assistant whose special training in soil conservation consists of a course of six months conducted by the Soil Conservation Training Institute. These estimates are checked by the Supervisor under whom the Assistant is working and by the Agricultural Officer in the Sub-Divisional Office before submission to the Sub-Divisional Soil Conservation Officer. In the Divisional Office, the estimates are examined by the Senior Tracer and then submitted to the Divisional Soil Conservation Officer. Considering the nature of the work executed, there should be no objection to authorising the Sub-Divisional Soil Conservation Officer to approve plans and estimates up to Rs. 15,000 and to raising the limit of the Divisional

Soil Conservation Officer's powers to Rs. 50,000 from Rs. 20,000. The Director of Agriculture may be given full powers. If considered necessary, Government may lay down the permissible maximum cost per acre. Most of the plans and estimates are up to Rs. 15,000. The proposed delegation would thus reduce the work of Divisional Soil Conservation Officers substantially without affecting efficiency. On the other hand, it would expedite the soil conservation works.

15.37. The Sub-Divisional Soil Conservation Officers, at present, have no powers to sanction revised estimates. The Divisional Soil Conservation Officers are authorised to sanction revised estimates up to an excess of 5% over the sanctioned estimates provided the excess is within their powers of technical sanction, and also up to Rs. 200 in each case irrespective of the total of the sanctioned estimates. It is suggested that the powers now exercised by the Divisional Soil Conservation Officers should be delegated to the Sub-Divisional Soil Conservation Officers and the Divisional Soil Conservation Officer's powers may be enhanced to cover excesses up to 10 % over sanctioned estimates.

15.38. All bunding schemes have to be brought under the purview of the Bombay Land Improvement Schemes Act, 1942. For this purpose, the draft schemes are prepared by the Sub-Divisional Soil Conservation Officers. The information is furnished by the Sub-Divisional Soil Conservation Officer in respect of each scheme and is consolidated in the Divisional Office for obtaining the approval of the Board constituted under the Land Improvement Schemes Act. It would be convenient for both the Divisional and Sub-Divisional Officer if the Sub-Divisional Soil Conservation Officer furnishes consolidated information. It would expedite the work of obtaining the Board's approval and drafting notifications under the Act.

15.39. According to the existing powers, sanction of the Director of Agriculture is required for the shifting of Divisions and Sub-Divisions. It is recommended that the Divisional Soil Conservation Officer may be empowered to decide the location of Sub-Divisions under him and make changes whenever necessary for execution of the soil conservation programme. Similarly, the power of changing the headquarters of the Agricultural Supervisors and Agricultural Assistants may be delegated to the Sub-Divisional Soil Conservation Officers. Such delegation would expedite the execution of the soil conservation programmes.

15.40. The Works Registers, showing details of soil conservation works and expenditure thereon, are at present maintained both at the Divisional and Sub-Divisional Offices. The Division

maintains the Works Register on the basis of works abstract forwarded by the Sub-Divisional Soil Conservation Officers. For meeting expenditure on soil conservation works, Sub-Divisional Soil Conservation Officers draw the amount on Abstract Contingent Bills. Formerly, the Detailed Contingent Bills for amounts drawn on Abstract Contingent Bills had to be countersigned by the Divisional Soil Conservation Officers. The works abstracts sent by Sub-Divisional Soil Conservation Officers were checked with reference to the Detailed Contingent Bills and the vouchers accompanying them. The power to countersign Detailed Contingent Bills has since been delegated to the Sub-Divisional Soil Conservation Officers. The Divisional Soil Conservation Officers have thus now no means of exercising an independent check on the works abstracts furnished by the Sub-Divisional Soil Conservation Officers. As such, there is no point in preparing Works Registers in the Divisional Offices also. The practice of maintaining Works Registers in the Divisional Office may be discontinued. The Sub-Divisional Soil Conservation Officers should be authorised to issue certificates on work-slips regarding verification of expenditure.

15.41. The delegation of wider powers to the Sub-Divisional Soil Conservation Officers and the changes in procedure as recommended in the preceding paragraphs will considerably reduce the workload in the Divisional Offices. At present there is an Assistant Accounts Officer to attend to accounts matters of Residuary, Engineering and Soil Conservation activities. With the transfer of Residuary and Engineering activities and the proposed delegation of powers to the Sub-Divisional Soil Conservation Officers, there would be no need for the post of Assistant Accounts Officer at the Divisional level. It is, therefore, recommended that a Head Accountant may be provided in the Divisional Offices in the place of the existing Assistant Accounts Officer. Incidentally, in the case of Irrigation and Power and Buildings and Communications Divisions, only the posts of Divisional Accountant are provided. Taking into account the analysis of the present workload in the different sections and the reduction resulting from the several recommendations, the ministerial staff of the different sections of the Divisional Office should be as given in the appended chart (Annexure 9).

15.42. The proposed delegation would add to the responsibility of the Sub-Divisional Soil Conservation Officers. At present, all proposals/cases in respect of which such delegation has been proposed are already initially prepared/processed at the Sub-Divisional level only. The proposed delegation would not increase the workload of

the Sub-Division in any way. It would not, therefore, be necessary to provide any additional staff on that account.

Residuary Activities

15.43. With the formation of Zilla Parishads, most of the development schemes formerly under the control of the District Agricultural Officers were transferred to the Zilla Parishads. Certain schemes were not transferred on the ground that the schemes were State level schemes. Such schemes have been described as "residuary schemes" and placed in the charge of a Class II officer called Officer in charge of the Residuary Activities (commonly known as the Residuary Officer). These Class II posts are attached to the offices of the Divisional Soil Conservation Officers.

15.44. The residuary schemes can be broadly classified as under:

(*a*) Taluka Seed Farms and Fruit and Vegetable Nurseries located on the seed farms;

(*b*) Schemes for applied research and collection of statistics such as fertiliser and varietal trials, crop estimation surveys, assessment surveys (intensive cultivation) and the timely reporting of agricultural intelligence;

(*c*) Extension schemes like the compost development scheme;

(*d*) Regulatory functions; and

(*e*) Schemes involving work on account of reimbursement of expenditure, payment of subsidy or grant of loan.

Each of these schemes will now be dealt with.

15.45. *Taluka Seed Farms*:—The Administrative Reorganisation Committee has recommended that these farms should be transferred to the Zilla Parishads (paragraph 10.28 of its Report) and the recommendation has been accepted by Government. The recommendation should have been implemented by now. Along with the seed farms, the fruit nurseries and vegetable nurseries will also automatically go to the Zilla Parishads.

15.46. *Applied Research and Collection of Statistics*:—The field staff for all the four schemes falling under this category, viz., (i) crop estimation surveys, (ii) assessment surveys, (iii) timely reporting of agricultural intelligence and (iv) fertiliser and varietal and simple manurial trials, consists of Talatis, Circle Inspectors, and Circle Officers of the Revenue Department and the Agricultural Assistants of the Zilla Parishads or of the Department of Agriculture. The Tahsildars, Resident Deputy Collectors and Prant Officers of the Revenue Department, the

Extension Officers (Agriculture), Agricultural Officers (Intensive Cultivation), Block Development Officers, Agricultural Development Officers, Campaign Officers, Assistant District Agricultural Officers of the Zilla Parishads and the Statistical Supervisors attached to the Divisional Soil Conservation Offices supervise the work of the operative staff. The staff at the Divisional level attached to the offices of the Superintending Agricultural Officers consolidates the data for the Division. The Statistician in the Directorate of Agriculture plans the programme and analyses the data. The work of collection and transmission of data by the operative staff can be supervised properly by the strengthened block level organisation. It should not, therefore, be necessary to have special posts of Agricultural Supervisors at the District level and Class II and other supervisory posts at the Divisional level for any of the statistical schemes. The posts in the Divisional Offices and in the offices of the Divisional Soil Conservation Officers should, therefore, be abolished.

15.47. The object of the scheme of fertiliser and varietal trials is to test the practical utility of the results obtained at the various research stations by organizing large-scale trials in cultivators' fields. This is an extension to the field of the results of applied research achieved in the Agricultural Universities. The field experience in turn should help to correct or improve the applied research in the Universities. The activities on the field would have to be undertaken by the normal extension machinery, namely, the Gramsevaks and the Agricultural Supervisors working under the guidance of the Block Agricultural Development Officers. Suitable machinery will have to be devised for a proper liaison between the Universities and the Zilla Parishads so that there is a proper co-ordination between applied research in the laboratories and the large-scale trials on the fields. Apart from periodical training of the officials at different levels to be organised by the Universities, there would also be need for effective liaison between the University officials concerned with Research and Extension and the agencies of the various Zilla Parishads for advance planning, etc. If effective liaison is established between the Agricultural Universities and the extension agencies of the Panchayati Raj institutions, there would be little left for the Directorate to do in the matter.

15.48. *Extension Schemes like Compost Development, etc.*:— Though Government has decided that all extension programmes should be transferred to the Zilla Parishads, the compost development programme continues in the State sector. It should be transferred to the Zilla Parishads, as also other extension programmes which still continue in the State sector.

15.49. *Regulatory Functions with the Residuary Officers* :—These regulatory functions relate to quality of fertilizers and hybrid seeds used for agricultural production. For the implementation of the Fertilizer (Control) Order, 1957, the Agricultural Development Officers, the Campaign Officers and the District Agricultural Officers of the Zilla Parishads have been appointed as licensing authorities and inspectors of fertilizers. In addition, fertilizer inspectors (non-gazetted) work in the State sector under the administrative control of the Divisional Soil Conservation Officers. For the implementation of the Seeds Act, 1966, the services of Agricultural Development Officers have been requisitioned under section 261 (*2*) of the Zilla Parishads Act for their appointment as Inspectors under the said Act. In addition, posts have been created in the State sector also for seed certification. It is felt that once the Agricultural Development Officer and his subordinate hierarchy have been brought in as Inspectors, there should be no need to have staff in the State sector for performing these regulatory functions. With the appointment of the Block Agricultural Development Officer, the duties of Inspectors could be entrusted to them. The Block Agricultural Development Officer and his Agricultural Supervisors will be vitally interested in ensuring the quality of the inputs as they are responsible for the implementation of the Agricultural Extension Programmes. It is, therefore, recommended that the district and taluka level organisations of the Zilla Parishad should be used for performing all these regulatory functions. There would be no justification for staff in the State sector for this work at the district and lower levels.

15.50. *Schemes involving work on account of reimbursement of expenditure or payment of subsidy, loan, etc.* :—The major item of work is the scrutiny of claims for subsidy for construction of wells and installation of pumping sets. As the original records about grant of loans, completion certificates, etc. are with the Land Development Banks or the Block Development Officers, it is difficult for the Divisional Soil Conservation Officer to scrutinize the claims effectively. In these cases, the certificates of the Chief Executive Officers regarding admissibility of subsidy should be accepted as final. As the subsidies are now admissible to small holders only, hereafter there will be only a limited number of claims. As regards reimbursement of expenditure and countersigning of Detailed Contingent Bills, as a result of the procedural changes recommended in paragraphs 22 and 23 of Ap 8 State sector officials will be relieved of this work.

Agricultural Inputs

15.51. Government has taken upon itself the responsibility for timely supply of various inputs like hybrid seeds, fertilizers and insecticides for increasing agricultural production. The market situation regarding the availability of these inputs to the cultivators through alternative agencies is ever changing. For example, while the supply of the bulk of the requirements of fertilizers by Government was more or less inevitable a few years ago when our reliance on imports was very much more than what it is now and when the private and co-operative distribution agencies were less developed, the situation today has radically changed. Indigenous production of fertilizers has increased many times and distributing agencies have developed. Credit availability in the rural areas has also increased considerably as a result of the changed policy of the Government and Banks. It would, therefore, be appropriate for Government to review at suitable intervals the sphere of its activity in the system of distribution of inputs taking into account the availability of alternative sources of supply and to make arrangements only for the share of requirements which Government would be called upon to satisfy.

15.52. It is also observed that different methods of distribution have been adopted for different inputs. Hybrid seeds are being purchased and stored by the Apex Marketing Federation as Agents of Government and are being distributed by the co-operatives or in some cases by the Zilla Parishads. Fertilizers are being purchased directly by Government and are supplied to district or taluka level co-operative marketing agencies on a consignment basis for being distributed in turn through co-operative societies at lower levels. Insecticides are being purchased by Government and are stored and distributed by Zilla Parishads. It would be appropriate if this multiplicity of agencies is done away with. It should be possible to appoint the Apex Marketing Federation as Agent of Government for distribution of fertilizers as has been done in the case of hybrid seeds. The Apex Institution could carry on the distribution to district agencies and below. In districts where the co-operative organisation has not developed sufficiently, either the Federation or the Zilla Parishad could undertake the distribution. This would facilitate a proper linkage of these supplies with the agency supplying credit and would make things easy for the farmer who would be able to obtain all his requirements through a single agency.

15.53. As regards production and processing of hybrid seeds, the present position is that the work relating to the production pro-

gramme is being implemented and supervised by the Zilla Parishads. The Seed Processing Plants have, however, been retained in the State sector, presumably with a view to facilitating the maintenance of and repairs to the plants. Elsewhere, the transfer of the bulk of the engineering activities to the Zilla Parishads has been recommended. Once this is done, the Zilla Parishads will have no difficulty in the maintenance and operation of these plants also. It is, therefore, recommended that the entire work relating to production as well as processing of hybrid seeds should be within the purview of the Zilla Parishads. The Seed Processing Plants should, therefore, be transferred to the Zilla Parishads.

The Directorate and the Agricultural Universities

15.54. According to the Director of Agriculture, even after the transfer of the research and educational institutions and programmes to the University, the Directorate will have to perform the following functions:

(i) "provide funds, watch the expenditure, prepare budgets, arrange programme planning and evaluation for all these activities",

(ii) "bring about co-ordination of research with extension staff viz. Zilla Parishad and State sector regional staff",

(iii) look after "the service interest of the personnel transferred to the University", and

(iv) interlink "normal work of the Agricultural University ....with the work of the Agricultural Department as a whole for which constant negotiations, periodical co-ordination meetings, discussions, etc. between the officers of the Agricultural Department and the authorities of Agricultural University will have to be held."

15.55. Under sections 49 to 52 of the two University Acts, the State Government is required:

(*a*) to determine the amount of contribution or grant to be given to the Universities;

(*b*) to consider requests for previous sanctions to the constitution of special funds under clause (4) of section 49;

(*c*) to pass orders under clause (c) of section 50 with reference to financial estimates submitted to it;

(*d*) to arrange for the audit of the annual accounts and balance sheets; and

(*e*) to place before the Legislature the [illegible] etc. submitted by the Universities.

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(*d*) to arrange for the audit of the annual accounts and balance sheets; and

(*e*) to place before the Legislature the accounts, audit report, etc. submitted by the Universities.

15.56. While the Director of Agriculture as an *ex-officio* member of the Court and he or his nominee as an *ex-officio* member of the Executive Council will be dealing with financial estimates, annual reports, etc., it is hardly appropriate that the Directorate of Agriculture as such should be interposed in these matters between the Universities and Government.

15.57. As regards programme planning, the Acts specify the objectives to be achieved by the research, education and extension education programmes (sections 47 and 48) and leave the Universities free to formulate concrete programmes [sections 45(*4*) and 46(*3*)]. There is no need for the Directorate to usurp these functions of the Universities or to set itself up as a parallel agency for these functions. The financial estimates will indicate the sources including the estimated Government contribution. The Government decision on the amount will depend mainly upon the availability of resources, as the programmes will have been vetted by the Courts and Executive Councils on which Government is represented by various Heads of Departments and the Secretary, Agriculture and Co-operation Department. Taking into account the authority vested in the University in regard to programme planning, it cannot be contemplated that the University should have to function as a subordinate wing of the Directorate.

15.58. The preceding observations about Government contribution hold good for Plan allocation also. The Universities will prepare broad programmes and financial estimates for the Plan period. These will be vetted by the Courts and Executive Councils and the Plan allocation will be determined mainly with reference to the availability of resources and priorities between various programmes as determined by Government.

15.59. As regards the co-ordination of research with extension, it has been pointed out earlier that the Director himself has emphasised that the Agricultural University has been established for bringing about integration of research, education and extension. Moreover, after mature consideration of the problem of co-ordination in all its aspects, Government came to the conclusion that the University should take over the function of co-ordination and has accordingly informed the University to set up a body similar to the erstwhile Agriculture, Research, Education and Soil Conservation Conference which was expected to perform the function when research and education were with Government. While taking the decision, it was assumed that extension would be handled by the Department

of Agriculture. According to the Director's own proposals and the Government decision on recommendation No. 9.48 of the Administrative Reorganisation Committee mentioned earlier, the extension *programmes now operated in the State sector will be transferred* to the Zilla Parishads. In these circumstances, the claim that the Directorate will continue to co-ordinate research with extension cannot be accepted.

15.60. It is true that the Directorate of Agriculture will have to deal with establishment matters including accounts in regard to officials of the Department of Agriculture who may work with the Universities on "foreign service" terms. But the work would be substantial only for about two to three years. By then the officials will be either permanently transferred to the University or repatriated to Government. Thereafter, such matters may have to be handled in resppect of a few persons only. The Department will not be required "to look after the service interest *of all personnel for all the time*" as claimed by the Director of Agriculture (the quotes are the Director's).

The Directorate and Extension Programmes

15.61. With the transfer of the extension programmes now operated in the State sector to the Zilla Parishads as already decided by Government, all extension programmes will be implemented by the Zilla Parishads. According to the Director of Agriculture, in regard to these programmes, the Directorate of Agriculture :

(i) will assist Government at the State level in formulating targets,

(ii) will watch their progress from time to time,

(iii) will carry out technical inspections and give technical guidance, and

(iv) will perform such other functions as per provisions of the *Zilla Parishads Act.*

15.62. The objective of technical inspections will be to identify defects in the recommended agricultural practices and in the techniques of extension used for ensuring adoption thereof by the cultivators. Technical guidance consists of suggestions or recommendations made for removing these defects so that the extension programmes become more effective. This function can be performed best by the extension education service of the Agricultural Universities working in close co-ordination with the extension agency of th Zilla Parishad. The members of the University extension se

will have adequate technical knowledge and experience of the local conditions and problems to suggest the right agricultural practices and extension techniques. Interposition of an extra agency in the State sector for giving technical guidance is unnecessary.

15.63. There is one more objective of technical inspection, namely, to check whether or not the prescribed rules, procedures, etc. are observed. Indeed, the inspections carried out by non-technical agencies will cover this aspect. Nevertheless, detection of certain defects will require technical knowledge, e.g., the grant of a loan for development of horticulture to a cultivator whose plot is not suitable for such development. As regards such defects. earlier recommendations regarding district and block level organisation which seek to strengthen these levels, would provide better, more frequent and closer supervision and would help the prompt detection of such defects and minimise their occurrence. The main recommendations made for such strengthening are :

(i) the appointment of a Class II Officer in each block exclusively for agricultural programmes ;

(ii) the appointment of adequate number of Agricultural Supervisors to oversee the work of Gramsevaks ;

(iii) centralisation of all accounts at present dispersed among several departments in a single agency both at the district and block levels, under the Chief Accounts and Finance Officer and Deputy Accountant respectively ; and

(iv) provision of adequate accounts and clerical staff at the district and block levels.

15.64. The recommendations on training and recruitment seek to ensure that the staff will be better qualified. The overall effect of these recommendations will be to provide well qualified supervisory staff, each member of which will have a much smaller territorial charge and more time for field work than at present. Consequently, the supervision would be qualitatively better, more frequent and closer, rendering any further technical inspection from a regional level unnecessary. Moreover, as the responsibility for implementing the agricultural programmes will be placed squarely on the Block Agricultural Development Officer, the Agricultural Development Officer at the district will function as a planning, co-ordinating and inspecting authority. It should not, therefore, be necessary for the Directorate of Agriculture to supervise directly the implementation of the programmes entrusted to the Zilla Parishads. The impact or effectiveness of the programmes may continue to be assessed through

assessment surveys and evaluation inquiries to facilitate policy formulation.

15.65. Section 127 of the Zilla Parishads Act contains an enabling provision whereby the State Government may by general or special orders authorise an officer to inspect periodically works and development schemes undertaken by a Zilla Parishad or a Panchayat Samiti with a view to giving technical guidance or assistance to any officer of or under these bodies for securing efficient or economical execution or maintenance of the works or development schemes. Further, the section contemplates that the officer so authorised will carry out inspections if he considers them necessary. Evidently, the Act does not envisage that such inspections should be the rule in all Departments or should cover all development works and schemes undertaken by the Zilla Parishad/Panchayat Samiti, as the exercise of such inspectorial powers would be in conflict with the principle of democratic decentralisation. The Rural Development Department has, however, issued executive orders not only authorising State sector officials of all development departments to carry out inspections but also laying down the minimum number of inspections to be carried out by such officers. These orders encroach on the field of the Zilla Parishad's own technical and inspecting officers and treat the Zilla Parishad administration as if it is in some respects subordinate to the State administration. These orders have also contributed to the creation of an impression that the Zilla Parishad administration is *required to be closely and frequently inspected and supervised by* the State sector. Viewed objectively, the fewer such inspections and the greater the scope for work and responsibility thereof given to the Zilla Parishad officers to look after themselves, the more will it be in consonance with the idea of democratic decentralisation. Apart from these general considerations which point to the need for reducing inspection and supervision by the State sector, there are certain other *considerations peculiar to the Agriculture Department of the State* sector, namely, the establishment of the Agricultural Universities and the decision to transfer all extension programmes to the Zilla Parishads, which clearly indicate that there is no need for the Department to function as a supervisory and inspecting agency.

15.66. The objective of administrative inspections is two-fold: (i) to control effectively the work of the officer whose work is inspected and (ii) to provide him with guidance in carrying out his duties. Both these functions are being performed by the inspections carried out by the Chief Executive Officers. The annual inspe - tions carried out by the Divisional Commissioners are ver

Class II Officers			
Technical	...	...	19
Non-technical	...	...	2
		Total ...	21
Class III Government Servants			
Technical	...	...	131
Non-technical	...	...	116
		Total ...	247
Class IV Government Servants	...	...	127
		Grand Total ...	400

15.74. It is not necessary at this stage to consider whether such large establishments at the Headquarters and at the Regional levels were necessary when all research and educational activities and extension programmes were directly administered by the Directorate. The Special Secretary (Reorganisation) in his "Report of the Reorganisation of Government Offices consequent on Democratic Decentralisation" has recommended that when experience of the working of the Democratic Decentralisation Scheme has been gained for two or three years, say, in January 1965, it might be considered whether it was desirable to reduce the degree of supervision by Government officers over the Zilla Parishad officials and consider corresponding reduction in the strength of regional and higher level officers. No such review has, however, been taken. One of the causes of the continued expansion of the Department even after the transfer of a number of programmes to the Zilla Parishads is that the Directorate is unwilling to divest itself of responsibilities which have been clearly transferred to the Zilla Parishads. The reduction in work of the Regional and Headquarters offices consequent on the decentralisation has not, therefore, been allowed to materialise. While the administrative control vests in the Zilla Parishads and there is little required in the shape of administrative supervision from the Directorate at higher levels, the technical officers of the Department, instead of concerning themselves with the technical aspects of the scheme and giving guidance on these aspects, appear to fritter away their energies in offering remarks on administrative aspects in the course of their inspections and tours. The strengthening of the Zilla Parishad organisation at all levels

and in all branches, which has been recommended earlier, aims at providing a more efficient field staff and supervisory, accounting and administrative machinery at the district level itself and below.

15.75. The effect of the establishment of the Agricultural Universities and of the recommended transfer of various programmes to the Zilla Parishads or organisations like the Maharashtra Agro-Industries Development Corporation, on the role and functions of the Directorate has been indicated earlier. The Directorate's main functions will be:

(a) to administer directly:
- (i) the Soil Conservation programmes, and
- (ii) the Standard Soil Survey and the Geohydrological Survey Organisations;

(b) to budget for programmes and organisations directly administered and for the grants to be given to the Zilla Parishads;

(c) to collect, process and analyse statistical data;

(d) to formulate agricultural production programmes;

(e) to assist the State Government in Planning;

(f) to compile accounts; and

(g) to attend to administrative and establishment matters pertaining to Government staff including the staff on deputation either to the Zilla Parishads or to the Universities.

15.76. The Administrative Reorganisation Committee's recommendation that the Superintending Agricultural Officer should primarily be an inspecting officer who should concern himself with supervision and technical guidance to the officers of the Zilla Parishads, was accepted by the Cabinet, but this decision has not so far been implemented by the Department. The Department is apparently concerned not with trimming this organisation in the light of the Cabinet decision, but with seeking ways and means to add more wings to it. At one stage, the Department contemplated that implementation of the decision would require additional Class I Officers for each region to look after the administration and accounts, of which the Cabinet has decided that the Superintending Agricultural Officer should be relieved. The latest exercise has gone further and seeks to build up a vertical organisation at any rate from the district to the State level, though it not clear at this stage how far lower it is contemplated ... roots of this organisation should spread.

15.77. Even the decision of the Cabinet that the Superinte Agricultural Officer may remain as an Inspecting Officer conc with supervision and technical guidance to the Zilla Paris requires re-examination in the light of the changed set-up i agricultural sphere recommended for the Zilla Parishads an role of the Agricultural Universities in the matter of transm of technical know-how to the extension workers of the Parishads. The Superintending Agricultural Officers ma more experienced administrators than the Agricultural De ment Officers of the Zilla Parishads. But they are not require administrative control over the latter. As for their role i matter of technical guidance, technical expertise is now s over different branches, in each of which there would be speci with the Universities who may be expected to have the nece expertise and knowledge for technical guidance. What is req is a proper liaison system by which these experts are availabl technical guidance and their knowledge can be transmitted t extension workers. The Mahatma Phule Krishi Vidya Poona, has already made a start in this direction by orga in-service training courses for extension workers, providing U sity experts on farms to the Zilla Parishads and establishing mittees composed of Zilla Parishad representatives and Univ representatives to help in matters connected with activiti co-ordination in any region. Similar activities by the Punj Krishi Vidyapeeth are also being undertaken. In view of developments, there is no longer any justification surviving soever for continuing the organisation of Superintending Ag tural Officers. That organisation should be disbanded. residuary activities in the State sector, namely, those relati soil conservation, assessment surveys and evaluation enq would not require a regional organisation for supervision a District level.

15.78. The Director of Agriculture will continue to atte planning, collection of statistics, establishment matters and tenance of accounts. The following changes in staffing pattern be required taking into account the transfer of research and e tion to the Agricultural Universities and other activities t Zilla Parishads.

15.79. At present, there are two sections under two Assi Statisticians attending to collection and analysis of data rega fertiliser and varietal trials, simple manurial trials, etc. designing and formulating experiments for research stations.

research stations have already been transferred to the Universities. As observed in paragraph 15.47, the Directorate would have little to do in the matter of fertiliser and varietal trials, simple manurial trials etc. Therefore, the continuance of the two sections in the Directorate would no longer be justified.

15.80. After about three years the persons now working under the Zilla Parishads and the Universities will have either opted for permanent absorption under these organisations or been repatriated to the Government sector. The work relating to the implementation of the foreign service conditions of such persons will cease from that date. The strength of the existing staff has been determined to enable it to attend to the personnel matters relating to the staff of the Directorate as it existed before the establishment of the Zilla Parishads and the Universities. The organisation required for the residual staff for which the Department would continue to be responsible can be decided upon when the picture in this respect is clear.

15.81. With the transfer of the entire educational and research activities to the Agricultural Universities, the accounts branches of the Directorate will no longer be required to deal with accounts relating to these activities. The transfer of various programmes to the Zilla Parishads would also substantially reduce the work in the accounts branches of the Directorate. *Prima facie,* with the reduction in the workload, it might seem possible to reduce one post of Assistant Accounts Officer and his subordinate staff at the headquarters. But, considering that the accounts under the old procedure are by no means up-to-date, it may be necessary to continue the existing staff until these accounts are properly sorted out. The position could well be reviewed about a year after the abolition of the regional offices. It requires to be added that, in addition to the staff sanctioned for the Directorate, during the examination of the Superintending Agricultural Officer's office at Poona, it was found that the staff sanctioned for that office for work relating to loan accounts was also working in the Directorate and not in the regional office. Until these loan accounts are also brought up-to-date, the staff which is sanctioned for the loan accounts for the regional offices may be continued with difica tion that the staff may work in the Directorate and h as sanctioned for the Directorate.

15.82. Elsewhere, the Soil Conservation acti be dealt with in detail. It will be sufficient if t

supervised at headquarters by a Joint Director for Soil Conservation and Standard Soil Survey Organisation. As a large scale reduction in the engineering activities of the Directorate has been recommended, the post of Deputy Director of Agriculture (Engineering) with the staff under him should be discontinued. The Superintending Soil Conservation Officer and his subordinate staff may, however, continue.

15.83. Most of the activities connected with the programmes of agricultural research and education have now been transferred to the Agricultural Universities. Earlier in this report, recommendations have been made for the transfer of all the remaining programmes connected with research and education. The work remaining with the Director of Agriculture in regard to these activities will be mainly that connected with resource planning. A separate wing for Research and Education will no longer be necessary. The post of Joint Director of Agriculture (Research and Education) along with the entire supporting staff should be abolished.

15.84. At present the budget sub-head, "J-1 Agriculture, J-I (41) Grant-in-aid to the Maharashtra Agricultural Universities" is controlled by the Director. The work involved in his office in regard to inclusion of this item in the budget would be mainly clerical. Even this work can be reduced if the Director ceases to be the controlling authority for this sub-head. The Secretary, Agriculture, should appropriately be the controlling officer for this sub-head.

15.85. As regards the Joint Directors of Agriculture (Extension) and (Horticulture), both are dealing with extension programmes which, according to the recommendations made earlier, will have to be transferred to the Zilla Parishads. It has been pointed out earlier that in respect of these programmes the technical guidance will come from the University and that the inspections by the Agricultural Development Officers in regard to technical matters and by the Chief Executive Officers and the Commissioners in regard to administrative and accounts matters would be adequate. The assessment surveys and evaluation inquiries carried out by the Department and by organisations like the Finance Department (Planning) could be relied upon for assessing the impact of these programmes for revision of the programmes and policies where indicated. The posts of Joint Directors of Agriculture (Extension) and (Horticulture) together with the supporting posts including those mentioned below may, therefore, be abolished.

15.86. Under the Joint Director of Agriculture (Extension), there is an Agricultural Information Officer and the post of Editor, 'Shetkari' with supporting staff. As the function of dissemination of the results of research and various demonstration programmes has been transferred to the Agricultural Universities, these posts and the supporting staff would no longer be required in the Directorate.

15.87. Under the Joint Director of Agriculture (Extension), there is also a post of Chief Training Officer with supporting staff which looks after the implementation of the scheme for mass training of farmers. It has been recommended earlier that, being a part of the extension education programme, the scheme should be transferred to the Agricultural Universities. Consequently, the Chief Training Officer and the supporting staff working on this scheme would no longer be required in the Directorate.

15.88. It is not necessary to retain the Information and Publicity Units in the Directorate as the work of publishing results of the statistical surveys carried out by the Department is done by the Statistical Section itself.

15.89. The Director has himself proposed that all the extension staff connected with the cash crops should be pooled with the normal extension staff and placed under the Zilla Parishads. The justification for the three officers, namely, the Chief Sugarcane Development Officer, the Chief Cotton Development and Grading Officer and the Oilseeds Development Officer, for the purpose of extension would, therefore, no longer survive. The Chief Cotton Development and Grading Officer, however, is also in charge of the Cotton Marketing Section. As such, he is charged with the responsibility for maintaining the purity of the cotton produced and marketed in the cotton tracts. That part of the function which relates to the production and marketing of proper quality could well be entrusted to the normal extension machinery. In fact, with the Director's proposal for pooling the extension staff for cash crops with the normal extension staff, this is inevitable. We are left with the functions of the Officer in regard to transport, grading and marketing of cotton and cotton seed. These regulatory functions can well be transferred to the Directorate of Agricultural Marketing, the establishment of which has been separately* recommended. The question whether the existing number of check-posts are required will have to be carefully assessed in the light of the workload at each of these check-posts. The Director of Agricultural Market-

* Paragraph 17.24.

ing may also, in the light of the technical expertise available to him, consider whether it is feasible to devise an alternative system to ensure the objective by replacing the present system of check-posts. For the present, the Cotton Marketing Section and the staff sanctioned for check stations could be transferred to the Marketing Department when established. The staff sanctioned for various cotton development schemes such as the co-ordinated cotton development scheme, scheme for intensive cultivation of irrigated cotton, etc., should be abolished. The Oilseeds Development Officer and the Chief Sugarcane Development Officer with their subordinate staff could well be reduced.

15.90. With the establishment of the Universities, the work relating to Agricultural Economics and the staff therefor has been transferred to the Agricultural Universities. Neither the Directorate nor the Sachivalaya Department have in their proposals to me referred to the need for establishment of a cell in the Directorate to deal with Agricultural Economics. But, evidently, the hunger for staff and posts is insatiable. In the course of discussions, which my officers had with the Directorate on the subject of the Agricultural Economics section in the Bureau of Economics and Statistics, they were faced with a proposal for the establishment of a cell in the Directorate of Agriculture under an officer to deal with Agricultural Economics.

15.91. In support of the argument for such an officer or a cell in the Directorate of Agriculture, it is urged that prior to the establishment of the Agricultural Universities, the progress of work in the fields of agricultural economics, agricultural extension and agricultural statistics used to be reviewed by a Sub-Committee of the Agriculture, Research, Education and Soil Conservation Conference. Such a co-ordinated review is no longer possible, as the reports of the Statistics Division are reviewed by the Agricultural Development Committee which is a Committee of the Agriculture Department; and, further, as the Directorate will not have the requisite staff to deal with matters relating to agricultural economics.

15.92. The answer is that the recognised agencies for co-ordinating the activities of research, education and extension are the Agricultural Universities. The location of the Statistics Division in the Agriculture Department should not, therefore, preclude the Agricultural Universities from performing this function. Consequently, while the Agricultural Development Committee may continue to review the work of the Statistics Division, it is necessary to see that

the reports produced by the Statistics Division and the Agricultural Development Committee's review are made available to the Agricultural Universities. Further, one of the functions entrusted to the Universities is to "provide the appropriate technical support and consultative advice to the State Government Departments engaged in Agricultural Development work." The Universities are expected to establish a Faculty of Agriculture including Agricultural Economics. The staff appointed by Government for dealing with matters relating to Agricultural Economics has already been transferred to the Agricultural Universities. The Universities should, therefore, be able to advise Government on these matters. If the sanctioned strength is found to be inadequate for undertaking certain studies or investigations considered necessary by Government, the rational course would be to enable the Universities to strengthen the Faculty of Agriculture suitably. It will be difficult for a Cell or Unit in the Directorate to function fruitfully without any supporting field organisation.

15.93. Another view placed before me is that it is necessary to have an Agricultural Economist in the Directorate of Agriculture for scrutinising the economic aspects of the various recommendations made by the Agricultural Universities before the Department recommends their adoption by the cultivators. Acceptance of the recommended package of practices, it is pointed out, depends not only upon the validity of the quantitative and qualitative aspects of the input-output relationship but also upon whether or not the recommended practices are commercially profitable. The fact that, though the prices of fertilizers fluctuated widely, the Department continued to recommend the same doses over a number of years, has been cited as an illustration of the failure to take into account the economic aspects.

15.94. While the need for taking into account the economic aspects of a scheme or package of practices can be conceded readily, it is difficult to see why it should be necessary to have an Officer or Cell in the Directorate of Agriculture for ensuring that this is done. The specialists in the Agricultural Universities who work out the package of practices suitable for a particular crop in a particular area, are themselves expected to be cost and value conscious. Therefore, they ought to take into account the variations in prices of inputs and outputs and adjust suitably the package of practices to be recommended for adoption by cultivators. They cannot ignore these aspects and go merely by the quantitative relationship between inputs and outputs. In other words, if the specialists function as [illegible]

it should not be necessary to have an Officer or a Cell in the Directorate of Agriculture for scrutinising the economic aspects of the recommendations made by the specialists in the Agricultural Universities.

The Agricultural Iron and Steel Supply Officer

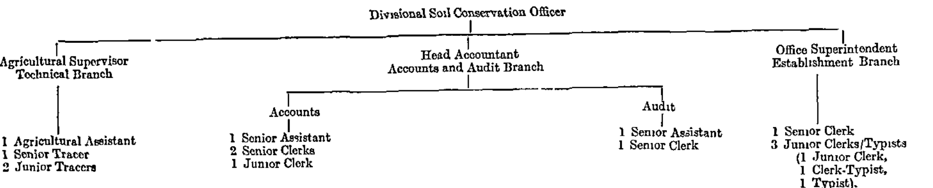
15.95. The office of the Agricultural Iron and Steel Supply Officer is not a part of the Directorate of Agriculture. As, however, it is an agency dealing with distribution of materials required for agricultural purposes, it will be convenient to deal with it before closing this chapter. In the past, this office was attending to the distribution of iron, steel, cement, damaged food-grains and fertilisers. It is no longer required to deal in cement which has been decontrolled and is now easily available in the open market. The office has been relieved of all other work excepting that of distribution of fertilisers. Here again, owing to decontrol and accumulation of large stocks of fertilisers, the office is mainly concerned with the disposal of the accumulated stocks.

15.96. An inspection of the office carried out in mid-1969 revealed material irregularities and large scale misappropriations and, as observed by the Secretary, Agriculture and Co-operation Department, led to the conclusion that the only solution was to abolish the office and clear the irregularities and misappropriations. This was in December 1969. Since then eighteen posts borne on the establishment of this office have been retrenched. But the office continues with quite a large staff of 72 persons of whom 32 are Class IV personnel. The work of disposal of accumulated stocks can well be entrusted to the Maharashtra Agro-Industries Development Corporation and a small cell headed by an Accounts Officer established for winding up the accounts. I recommend that the office of the Agricultural Iron and Steel Supply Officer (including the Officer) be abolished forthwith.

ANNEXURE 9

(*Vide* para. 15.41)

Chart showing the Proposed Organisation for the Divisional Soil Conservation Office



Abstract

	Designation	No. of posts: Existing	No. of posts: Proposed	Addition/Reduction (+)	Addition/Reduction (−)
1.	Divisional Soil Conservation Officer	1	1	..	..
2.	Assistant Accounts Officer	1	..	..	(−) 1
3.	Office Superintendent	1	1	..	..
4.	Head Accountant	..	1	(+) 1	..
5.	Agricultural Supervisor	1	1	..	..
6.	Agricultural Assistant	1	1	.	..
7.	Senior Tracers	2	1	..	(−) 1
8.	Junior Tracers	2	2	.	..
9.	Senior Assistants	2	2	..	
10.	Senior Clerks	3	3	..	.
11.	Junior Clerks/Clerk-Typists/Typist	5	4	..	(−) 1

ote.—The number of existing posts relates to the posts in a Division attending to Soil Conservation work only (*i.e.*, excluding the Residuary and Engineering activities).

CHAPTER 16

THE ANIMAL HUSBANDRY DEPARTMENT

Introductory

16.1. The present activities of the Animal Husbandry Department in the State sector may be classified into five groups :

Research and Education

(1) Cattle Breeding Farms.

(2) Buffalo Breeding Farms.

(3) Sheep Breeding Farms.

(4) Poultry Breeding Stations.

(5) Wool Analysis Laboratory, Poona.

(6) Diploma Course for Livestock Supervisors.

(7) Poultry Training Course at Kirkee.

Extension

(8) Intensive Cattle Development Projects.

(9) Intensive Poultry Development Blocks.

(10) Distribution of Loans for Poultry Improvement.

(11) Key Village Centres and Artificial Insemination Scheme.

(12) Regional Artificial Insemination Centres at Poona and Nagpur.

(13) Supplementary Sheep Breeding Centres.

(14) Applied Nutrition Programme.

Veterinary Aid and Disease Investigation

(15) Veterinary Hospitals and Polyclinics.

(16) Mobile Epizootic Control Units.

(17) Disease Investigation Section.

Commercial

(18) Poultry Dressing Plant.

(19) Bacon Factory.

(20) Central Hatcheries.

(21) Piggery Units, Aurangabad, Nagpur and Poona.

(22) Egg Collection and Marketing.

(23) Institute of Veterinary Biological Products, Poona.

Regulatory Work

(24) Check Posts.

Research and Education

16.2. (1) *Cattle Breeding Farms and Buffalo Breeding Farms* :—There are at present 14 Cattle Breeding Farms and one Buffalo Breeding Farm (at Aurangabad). Out of these, 2 Cattle Breeding Farms, viz., those at Igatpuri and Telankhedi (Nagpur) stand transferred to the Agricultural University leaving with the Department 12 Cattle Breeding Farms and 1 Buffalo Breeding Farm. These farms have been established for the development of indigenous breeds of cattle and to conduct scientific observations and experiments relating to the breeding programme. It is intended that pedigreed bulls with transmission ability for increasing production potential of milk should be bred on these farms and these bulls, in turn, should be distributed to the farmers so as to improve the local breed of the area. The main work at the farm, viz. (*a*) study of economic characters, and (*b*) breeding improved strains by judicious methods of selection and breeding, involves maintenance of voluminous data of various characters under study, their statistical analysis and further planning and re-planning of the mating programmes to achieve the objectives. This is pure research work akin to the work carried out at the Agricultural Research Stations.

(2) *Sheep Breeding Farms* :—There are at present [illegible] sheep breeding farms, one sheep unit, one sheep development centre and one ram-rearing centre. The nomenclature depends on the size of the farm and the region in which the scheme was proposed. Out of these farms, 6 are located in the Poona Region, 2 in the Bombay Region, [illegible] in the Nagpur Region and [illegible] in the Marathwada Region. [illegible] are established mainly to produce good rams by selective [illegible] cross-breeding, since the productivity of sheep for [illegible] depends primarily on genetic merit.

(3) *Wool Analysis Laboratory, Poona* :—The Wool Analysis Labo ratory, Poona, is a well-equipped institution, established with th object of determining the quality of wool and guiding the selectior of animals for breeding. The data on the wool quality of the animal are maintained from generation to generation to assess the exten of improvement. The experimental work at this research statior is intended to promote : (i) selective breeding among the deccani breed of sheep and (ii) cross-breeding of decanni sheep with exotic breeds for evolving strains of sheep which would produce non-hairy apparel wool. The work is of the nature of pure research and is closely connected with the work of sheep breeding farms.

(4) *Diploma Course for Livestock Supervisors* :—The two-yeai diploma course for Livestock Supervisors is meant for those who are already working as Livestock Supervisors in the Animal Husbandry Department. It is conducted for the first year at Nagpur and for the second year in Bombay at the respective Veterinary Colleges. Fifty students are admitted every year for the in-service training of Livestock Supervisors.

(5) *Poultry Training Course* :—There are 6 poultry training centres where classes of 3 and 9 months' duration are conducted. The training is free. Scholarships are given to Backward Class students. As there has been no response except at the Kirkee (Poona District) Centre, the Director proposes to continue the training centre at Kirkee only.

16.3. The reorganisation of the Department of Animal Husbandry has to take into account the role of the Agricultural Universities as established by Government and that of the Panchayati Raj institutions as discussed in Part III of the Report. The Universities are, by statute, made responsible for education, research and extension education. To discharge these responsibilities, the Universities will also be required to appoint suitable personnel. If activities connected with research and education are continued in the State sector, not only will that be contrary to the spirit of the Acts and the intentions of the Legislature, but it would also lead to some complications.

(*a*) Retaining such functions under the Department results in the duplication of staff, overlapping of functions and various administrative difficulties which would follow. Whenever a new research or educational scheme is to be undertaken, it would be necessary to decide whether it should be entrusted to the University or to the Department. Both the University and the Department may have engaged specialised personnel for directing, supervising, etc. the

educational and research activities Special staff for co-ordinating the teaching and research work undertaken by the Department and the University would also be necessary.

(b) The State sector would not be in a position to attract suitably qualified persons to man its research posts for want of suitable promotion channels since the higher posts would be under the Universities.

(c) The object of establishing the Universities was to integrate teaching with research and extension education. Continuing certain aspects of teaching and research with the Department would impede or preclude such integration.

(d) The Universities are firmly committed to develop research in various aspects connected with the poultry science and animal husbandry. Action has already been taken by the Mahatma Phule Krishi Vidyapeeth to start a research project in cattle breeding. Owing to the complete absence of basic facilities for such work, the University is required to start from scratch. At the same time, the required basic facilities already exist with the Department in the form of cattle breeding farms. Continuing such farms under the Department while expecting the University to carry out research will require duplication of the basic facilities and result in avoidable additional expenditure. As and when the Universities begin research in breeding sheep, poultry, etc., similar duplication would occur. Since the funds for the Universities and the Department are provided by the State Government, such duplication and avoidable additional expenditure needs to be prevented.

16.4. The Director of Animal Husbandry has argued that the various cattle breeding farms are not in fact carrying out research but are merely multiplying different breeds, providing facilities for in-service training and running short-term courses. The Director of Animal Husbandry has also held that "the existing old farms are ineffective in many cases and it is not desirable for the Agricultural University to waste its money, time and energy on these farms." He has further stated that cattle breeding farms are not doing any research work in the correct sense of the word.

16.5. As has already been noted, cattle breeding farms have been established for the purpose of carrying out research. The Director of Animal Husbandry has admitted that the various farms were doing practically no research work. He, however, felt that they could be run on economic lines for multiplication of varieties of cattle, sheep, etc. When the original objective was to carry out

research, the fact that these units are not carrying out research is not a sufficient justification for retaining these farms in the Department. It would instead be a justification for transferring them to the University so as to enable the University to carry out research connected with cattle, sheep, etc. It may not be necessary to continue all the farms, particularly those which do not serve any useful purpose. It would, however, be for the University to reorganise these farms and redistribute the staff in such a way as to fulfil the ultimate objectives in the most economic manner. The Universities are empowered by law to close down, curtail or expand, either permanently or temporarily, any of the research stations, as they think appropriate, subject to Government's financial control.

16.6. As for poultry breeding, there are six poultry breeding stations situated at the following places :

(1) Poona.
(2) Nagpur.
(3) Aurangabad.
(4) Kolhapur.
(5) Kurduwadi.
(6) Kopargaon.

The poultry breeding station at Poona was originally created as a part of the Poona Agriculture College and was established in the premises of the College Dairy. The purpose of establishing the poultry farm as a part of the Agriculture College, Poona, was to integrate both teaching and research in the Animal Husbandry programme. It was, however, placed directly under the control of the Animal Husbandry Department in 1947 when the Animal Husbandry activities were separated from the Department of Agriculture. The objectives of the Aurangabad poultry breeding station were to supply pure-bred cocks to the poultry farmers for breeding purposes, to sell day-old chicks, to impart training regarding poultry industry to the farmers, etc. The poultry breeding station at Kopargaon was established in the year 1949 with the object of supplying breeding fowls and hatching eggs in Ahmednagar and Nasik districts and to serve as a demonstration centre. The objectives of all other poultry breeding stations are reported to be similar.

16.7. According to the Director of Animal Husbandry, these activities do not involve research as such and would fall under extension. This amounts to saying that breeding is merely multiplication and does not involve research. This does not seem to be quite correct. Multiplication of stock is not breeding since it does

not aim at an improvement in the said stock. It simply multiplies the existing stock without reference to standards of performance. A breeding programme on the other hand aims at establishing a permanent genetical gain in the population for egg production *or for various other economic trends. The permanent gain is to* be achieved through breeding plans for increasing the capacity of genetical means in the future generations. Such breeding consists essentially of research and cannot be considered as mere multiplication. Mere multiplication itself could be left to private poultry breeders.

16.8. The need for breeding for genetic improvement cannot be denied. At present, as admitted by the Director of Animal Husbandry, no research is being conducted at the poultry breeding stations. In fact today all the farms are merely rearing broiler chicks for the Poultry Dressing Plant. As a result, breeding stock is today imported from abroad, even though a poultry dressing plant has been established and broiler production is being expanded to meet the requirements of the said plant. No systematic research programme to produce suitable breeding stock has as yet been taken up for either meat or egg production purposes. Poultry breeding is required to be planned with the definite objective of obtaining progressively better results. Breeding stock must not remain static but must be continuously improved upon. The absence of suitable research in India is resulting in the need to import the breeding stock. It is, therefore, recommended that all activities now being carried on by the Department of Animal Husbandry in the name of teaching and research should be transferred to the Agricultural University concerned along with all staff, equipment, buildings, etc. as expeditiously as possible.

16.9. The foregoing arguments would apply with equal force in the case of other schemes connected with the breeding of animals and teaching facilities. It is incumbent on the University to carry out research in breeding sheep, poultry, etc. under the faculty of Agriculture ; to provide short-term course for poultry training etc. under the faculty of Lower Agriculture Education ; to provide for research and teaching in wool production under the faculties of Agriculture and Agricultural Technology, etc. As in the case of cattle breeding units, the continuance of the schemes for research and teaching in the fields of sheep and poultry etc. in the Department will suffer from the defects of duplication and the resulting increase in avoidable expenditure.

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(5) Kurduwadi.
(6) Kopargaon.

The poultry breeding station at Poona was originally created as a part of the Poona Agriculture College and was established in the premises of the College Dairy. The purpose of establishing the poultry farm as a part of the Agriculture College, Poona, was to integrate both teaching and research in the Animal Husbandry programme. It was, however, placed directly under the control of the Animal Husbandry Department in 1947 when the Animal Husbandry activities were separated from the Department of Agriculture. The objectives of the Aurangabad poultry breeding station were to supply pure-bred cocks to the poultry farmers for breeding purposes, to sell day-old chicks, to impart training regarding poultry industry to the farmers, etc. The poultry breeding station at Kopargaon was established in the year 1949 with the object of supplying breeding fowls and hatching eggs in Ahmednagar and Nasik districts and to serve as a demonstration centre. The objectives of all other poultry breeding stations are reported to be similar.

16.7. According to the Director of Animal Husbandry, these activities do not involve research as such and would fall under extension. This amounts to saying that breeding is merely multiplication and does not involve research. This does not seem to be quite correct. Multiplication of stock is not breeding since it does

not aim at an improvement in the said stock. It simply multiplies the existing stock without reference to standards of performance. A breeding programme on the other hand aims at establishing a permanent genetical gain in the population for egg production or for various other economic trends. The permanent gain is to be achieved through breeding plans for increasing the capacity of genetical means in the future generations. Such breeding consists essentially of research and cannot be considered as mere multiplication. Mere multiplication itself could be left to private poultry breeders.

16.8. The need for breeding for genetic improvement cannot be denied. At present, as admitted by the Director of Animal Husbandry, no research is being conducted at the poultry breeding stations. In fact today all the farms are merely rearing broiler chicks for the Poultry Dressing Plant. As a result, breeding stock is today imported from abroad, even though a poultry dressing plant has been established and broiler production is being expanded to meet the requirements of the said plant. No systematic research programme to produce suitable breeding stock has as yet been taken up for either meat or egg production purposes. Poultry breeding is required to be planned with the definite objective of obtaining progressively better results. Breeding stock must not remain static but must be continuously improved upon. The absence of suitable research in India is resulting in the need to import the breeding stock. It is, therefore, recommended that all activities now being carried on by the Department of Animal Husbandry in the name of teaching and research should be transferred to the Agricultural University concerned along with all staff, equipment, buildings, etc as expeditiously as possible.

16.9. The foregoing arguments would apply with equal force in the case of other schemes connected with the breeding of animals and teaching facilities. It is incumbent on the University to carry [illegible] research in breeding sheep, poultry, etc. under the faculty of Agriculture; to provide short-term course for poultry training [illegible] the faculty of Lower Agriculture Education; to provide [illegible] and teaching in wool production under the faculties of [illegible] and Agricultural Technology, etc. As in the case of [illegible] ing units, the continuance of the schemes for research [illegible] in the fields of sheep and poultry etc. in the Department [illegible] from the defects of duplication and the result[illegible] expenditure.

16.10. It is, therefore, recommended that the following institutions established for research and/or teaching and/or education be transferred to the respective Agricultural Universities:

(a) All cattle breeding, buffalo breeding, sheep breeding farms and poultry breeding stations,

(b) The Wool Analysis Laboratory, Poona,

(c) Diploma Course for Livestock Supervisors,

(d) Poultry Training Course at Kirkee.

Extension

16.11. In line with its recommendation that all extension activities at and below the district level should be transferred to the Zilla Parishads, the Administrative Reorganisation Committee has advised that the extension programmes of the Animal Husbandry Department such as the Key Village Scheme, the Intensive Poultry Development and Intensive Cattle Development Schemes should be transferred to the Zilla Parishads (*vide* paragraph 10.42 of the Report and recommendation No. 10·26). The Committee's recommendation has been accepted by Government.

16.12. In his proposals to me, the Director of Animal Husbandry has urged that the Intensive Cattle Development, the Intensive Poultry Development and the Key Village and Artificial Insemination Programmes should be retained in the State sector. His arguments are examined below.

16.13. The objectives of the intensive cattle development programme as laid down in Government Resolution of 13th September 1965 were to increase the milk production in rural areas by 30% and to create confidence in cattle owners about the cattle industry. The programme broadly comprises the following field activities which are expected to be carried out on an intensive scale within the project area:

(i) Improvement of the cattle through breeding, feeding, improved management, disease control and veterinary aid;

(ii) Strengthening and establishment of milk producers' societies for marketing of milk;

(iii) Under the Fodder Development Programme, various nutritious and high-yielding fodder crops have to be introduced in the cropping pattern of the cultivator by distributing seed, sets of grasses, manure, fertilisers on subsidised basis;

(iv) Establishment of Feed Mixing Units for manufacture of balanced feed for supply to milk producers on no profit no loss basis;

(v) Providing facilities for veterinary aid and disease control;

(vi) On the management side, construction of hygienic stables and giving guidance in keeping the stables in proper sanitary conditions to prevent mastitis and other contagious diseases through field staff;

(vii) Explaining to the cattle owners the proper ways to feed milch cattle and scientific way of milking the animals.

16.14. The Director of Animal Husbandry is not in favour of the transfer of the intensive cattle development projects to the Zilla Parishads on the following grounds:

(i) These projects are essentially market oriented in that the success of the extension efforts depends mainly on the availability of efficient marketing facilities. Therefore, it is only the agency charged with the marketing of the product which would be in the best position to undertake extension. The grant of loans, provision of veterinary aid and the marketing network have to be organised on a co-ordinated basis and planned, keeping in mind the ultimate viability of the whole set-up.

(ii) Of the four Intensive Cattle Development Projects, the area of operation of the Dhulia and Miraj projects extends over two districts. Besides, even when the development programme itself is restricted to a district, the marketing organisation cannot be so restricted. Therefore, it will not be possible to transfer these programmes to the Zilla Parishads which, by their very nature, cannot be expected to look beyond the district boundaries.

(iii) The best alternative to a departmental organisation would be the co-operative organisations. But as yet, these organisations are not in a position to operate such programmes. Hence, it is desirable to entrust the programmes only to Government Departments.

16.15. The first objection assumes that co-ordination of marketing and extension is only possible if there is a single agency attending to both. On this basis, a case can be made out for transferring to the State sector extension programmes for developing agricultural produce, vegetable production and all extension in the field of horticulture now being carried out under the Zilla Parishads,

pending development of the co-operative agencies. This argument cannot be accepted on the following grounds:

(*a*) It would not be true to say that co-ordination between Co-operative Institutions and the Zilla Parishads will be more difficult than between the Animal Husbandry Department and the Co-operative Institutions. In fact, since the promotion of Co-operative Societies for carrying out marketing would require mobilisation of local leadership at the village, taluka and district levels, the Zilla Parishad which is itself composed of local leaders, would be more effective in mobilising such local leadership than the Department.

(*b*) The Zilla Parishad is today the main agency at and below the district level for providing financial assistance and carrying out extension work for improved cattle, sheep, poultry, etc. Under the Intensive Cattle Development Project, 4 Regional Artificial Insemination Centres and 60 Artificial Insemination Sub-centres have been established. Facilities for artificial insemination have been provided at many of the veterinary dispensaries and veterinary aid centres run by the Zilla Parishads. Like the artificial insemination centres, the veterinary aid centres are manned by Livestock Supervisors with the same basic qualification. Therefore, the Livestock Supervisors at the aid centres should have no difficulty in attending to artificial insemination. In the year 1967-68, the total number of artificial inseminations carried out at Poona under the Intensive Cattle Development Project was 7,250 with an average of 120 per sub-centre or one in three days per centre. As against this, the Veterinary Dispensary at Junnar carried out 711 artificial inseminations during the year 1967-68 and the Satara Zilla Parishad carried out over 10,000 artificial inseminations during the same year through 9 dispensaries. The average rate at which artificial insemination was carried out in dispensaries in Satara exceeded 1,000 per dispensary as against only 120 per sub-centre in the Intensive Cattle Development programme. It should be clearly possible for all Veterinary Aid Centres to implement the Artificial Insemination programme while providing veterinary aid and extension facilities. Instead of creating another agency in the State sector, it would be advisable to strengthen the dispensaries/aid centres in the local sector by giving additional staff, equipment, etc. or to increase their number, taking into account the objectives and contemplated coverage of the Intensive Cattle Development Projects. So as to ensure that intensive work is carried out within the project

area, the Department can specify the area and lay down guidelines for locating additional veterinary dispensaries and Artificial Insemination Centres. The extension agency will then be expected to intensify its extension work within the said area. The actual marketing of the products from the collection centres may be carried out by either the co-operative structure or the departmental organisation pending the establishment of co-operatives.

16.16. The aforesaid discussion also helps in dealing with the remaining two objections. Since the Zilla Parishad is merely expected to intensify extension in the given area and the marketing agency collects the actual produce from specific points, the Zilla Parishad can operate the programme whether or not it covers more than one district. The transfer of the Intensive Cattle Development Project to the Zilla Parishad would thus not merely encourage the involvement of local leadership in the implementation of these programmes, but would also prevent duplication of machinery and ensure better utilization of the limited resources available. I, therefore, recommend that the recommendations of the Administrative Reorganisation Committee in this behalf, which are already accepted by Government, be implemented expeditiously.

16.17. My recommendation for the Intensive Poultry Development Blocks is similar and is based on the same reasoning.

16.18. Under the Key Village and Artificial Insemination Schemes, the following work is expected to be carried out:

(1) Collection of semen and its distribution to Key Village Units;

(2) Castration of scrub bulls;

(3) Milk recording;

(4) Pregnancy diagnosis;

(5) Examination of sterility cases;

(6) Distribution of fodder seeds, grass sets and chaff cutters, construction of silo pits and fodder development demonstration plots;

(7) Follow up of the Artificial Insemination cases in the jurisdiction;

(8) Vaccination programme;

(9) Treatment of cases;

(10) Registration of Artificial Insemination born progeny;

(11) Formation of Co-operative Societies;

(12) Marketing facilities for animals and animal products;

(13) Cattle shows and arranging calf rallies:

(14) Other Animal Husbandry activities.

This work is not very different from that expected to be carried out under the Intensive Cattle Development Projects. The same reasons that have been urged for the transfer of the Intensive Cattle Development Projects to the Zilla Parishads would apply here with greater force.

16.19. The Director of Animal Husbandry has objected to the transfer of the Key Village Centres to the Zilla Parishads on the ground that artificial insemination is a specialised function. It has, however, already been observed that the basic qualification of the Livestock Supervisor actually carrying out artificial insemination is the same as that of the Livestock Supervisor in charge of the Veterinary Aid Centre. It has also been noted that the Zilla Parishads have been carrying out major artificial insemination programmes. The total work conducted by the Satara Zilla Parishad in 1967-68 exceeds the total work carried out under the Intensive Cattle Development Project, Poona in the same year, despite the fact that in Satara District this work was done by the nine Veterinary Dispensaries without any additional staff, whereas in the Poona Project it has been carried out by 64 centres specially created for the purpose. It cannot, therefore, be argued that this work is so highly technical that it cannot be transferred to the Zilla Parishads. It is, therefore, recommended that all Key Village and Artificial Insemination schemes be transferred to the Zilla Parishads.

Veterinary Aid and Disease Investigation

16.20. Veterinary aid and disease investigation is being carried out by the following types of institutions:

(*a*) Veterinary Dispensaries and Veterinary Aid Centres under Zilla Parishads.

(*b*) Veterinary Hospitals and Veterinary Polyclinics in the State sector.

(*c*) A Special Disease Investigation Section of the State Government and a proposed unit for investigation into diseases and pests.

(*d*) Mobile Epizootic Control Units.

16.21. The rationale for establishing facilities in the State sector is that the existing institutions under the Zilla Parishads cannot provide sophisticated surgical and diagnostic facilities. It has been argued that a Veterinary Hospital must necessarily have a certain number of specialists so as to enable it to treat more difficult cases. On the basis of this argument, the following facilities have been provided for:

(*a*) 4 Veterinary Hospitals at the regional headquarters with a Class III Veterinary Officer-in-Charge.

(*b*) 4 *Veterinary Polyclinics also at the regional headquarters*, each with a Veterinary Officer in Class II and 4 specialists in Class III. The specialists do not necessarily have any special qualification.

(c) Disease Investigation Section consisting of 8 Assistant Disease Investigation Officers in all the 4 Revenue Divisions and supported by *about 45 Class III technical staff*. This unit *is* expected to provide facilities of laboratory diagnosis so as to facilitate detailed investigation of certain diseases. These units are also at regional headquarters.

(*d*) 5 Mobile Epizootic Control Units — four at the regional headquarters and the fifth at Chiplun in Ratnagiri District, each with 1 *Veterinary Officer*, 5 *Livestock Supervisors*, 1 driver and 1 attendant. These Units have been set up for the control of out-breaks, prevention of diseases and transport of sera and vaccines within the region.

16.22. If for providing adequate technical facilities, it is necessary to have polyclinics manned by at least one Veterinary Officer and a number of supporting officers, it would follow that the Veterinary Hospitals as such which do not fulfil these requirements are not in a position to provide sophisticated diagnostic and other facilities. The objective of the disease investigation unit seems to be to provide facilities for certain sophisticated investigations. Rather than continue three separate units at the regional headquarters, it would be desirable to provide for one unit with the requirements of sophisticated diagnostic and surgical facilities.

16.23. A further question would arise as to whether, in fact, the provision of polyclinics at divisional headquarters has proved to be a service to difficult cases found at the district level and below throughout the *division. In practice, it is difficult to see how* the institutions could cater for animals much beyond the limits of the districts in which they are located, even though the places of location may be the divisional headquart I

unlikely, for instance, that the Poona centre could cater for animals from Sholapur, Sangli or Kolhapur or that the Nagpur centre could cater for animals from Yeotmal, Chanda, Amravati and Akola. Though the Poona Polyclinic has been useful to the animal population in and around Poona City (where there are many dairies and poultry farms), it is not possible for the animals from the entire Division to attend the Polyclinic. It is also seen that the Veterinary Officers at the Polyclinic do not have special qualifications to become "subject specialists", but they learn the job by practice and experience.

16.24. Clearly, therefore, there is a need for a Unit similar to the Veterinary Polyclinic at each District headquarters. There is no justification for either the disease investigation units or Veterinary Hospitals. It is recommended that each Veterinary Dispensary at the district headquarters should be provided with the facilities of the Veterinary Polyclinic. All existing polyclinics should be transferred to the Zilla Parishads with a stipulation that they will deal with the difficult cases in the division pending the establishment of polyclinics in other districts. The Veterinary Hospitals and Disease Investigation Units as such should be abolished. A suitable programme for upgrading all Veterinary Dispensaries at the District level to Veterinary Polyclinics should be taken up to the extent funds permit. Where polyclinics are unable to deal with the specific disease(s), the polyclinic should be expected to obtain assistance from the Veterinary Faculty of the Agricultural Universities. A suitable system of co-ordination between Agricultural Universities and the Zilla Parishads should be developed so as to take up field problems through Veterinary Dispensaries at the Block level and the Polyclinics at the District level to the University for research (investigation) and subsequent dissemination of the results obtained by the University. Professors at the Veterinary College may be expected to carry out the diagnosis or research as a part of their normal function.

16.25. The District level dispensaries should be upgraded to *provide the facilities of Polyclinics and District Artificial Insemi*nation Centres. The technical expertise required for diagnosis and advice will be useful in supervising technical work connected with collecting semen, its preservation and final distribution. It would, therefore, be desirable for the District Artificial Insemination Centre to function at the Polyclinic itself. It is accordingly recommended that the District Artificial Insemination Centre and the Veterinary Polyclinic should be located in the same premises.

16.26. As regards Mobile Epizootic Control Units, these are considered as "Disease Fighting Brigades", and expected to rush to any place within the division to control epidemics through mass vaccination. The working of the Mobile Epizootic Control Unit at Poona was broadly examined and it was found that during 1968-69 the Unit remained idle for about 50 per cent. of the annual working days. Though this was mainly because of continuous demands on its vehicle by the Regional Deputy Director, it is also likely that the Unit may not have work on other days when there is no outbreak. Also, it is too much to expect a small staff of 1 Veterinary Officer and 5 Livestock Supervisors to attend to epidemics throughout the region.

16.27. With the various veterinary aid institutions functioning in each district as also with the proposed increase of about 300 Veterinary Aid Centres throughout the State during the Fourth Plan, it should be possible for the District Animal Husbandry Officers of Zilla Parishads to take over the responsibility to organise mass preventive inoculations/vaccinations by pooling their resources. The Director has no objection to the discontinuance of the Mobile Epizootic Control Units if this could be done.

16.28. It is accordingly recommended that the existing Mobile Epizootic Control Units in the State sector may be abolished, and that the District Animal Husbandry Officers of Zilla Parishads should undertake preventive mass vaccination programmes, whenever necessary, by pooling their resources. If Mobile Epizootic Control Units are considered essential in any district, they should be set up by the Zilla Parishads from their own funds.

Commercial

16.29. The Bacon Factory and the Poultry Processing Plant are running much below their capacity. When the projects were sanctioned, it was calculated that the factory would be making profits in the sixth year and that the plant would do so immediately. The present estimate is that the factory is not likely to make profit for at least ten years and that the plant might be profitable in the sixth year. Evidently, while according approval to these projects, capital and operating costs and the demands for products were not estimated realistically. The fact that both the projects are intended, *inter alia,* to promote p and ltry breeding does not mean that their "economics" t ed out rigorously. The cost of maintaining a and birds required for running the plants

has to be assessed correctly, not merely as an indication of the cost of the promotional effort, but also because, together with the processing cost, it determines the price which the products must fetch to ensure profitable operation. It is noted that the Technical Committee appointed by Government for studying the Costing and Economics of the Regional Pig Breeding Farm-*cum*-Bacon Factory did not give adequate attention to this aspect. Apart from this, it is evident that the cost and economics were not worked out realistically by the Committee.

16.30. Recognising the need for an organisational set-up like a board with a commercial orientation and wide powers to take quick decisions, Government has set up Boards of Management for running the bacon factory and processing plant on commercial lines (*vide* Government Resolution, Agriculture and Co-operation Department, No. DUMAKA-3368/30045-VII-N, dated the 18th October 1968). Government has also set up a High Power Committee for taking decisions on all matters relating to these Projects (*vide* Government Resolution, Agriculture and Co-operation Department, No. DUMAKA-3468/31442(III)-N, dated the 31st October 1968). The Committee has been authorised to sanction and make purchases, fix selling prices, make appointments etc. and to give instructions to the Boards of Management.

16.31. The Central Hatcheries, the Egg Collection and Marketing Scheme and the Pig Breeding Stations are being run by the normal departmental organisation. On the whole, the working of these schemes has been far from satisfactory. The egg collection and marketing operations have resulted in heavy losses. The Director has reorganised the last-named scheme and has held in abeyance 61 posts which he found he could dispense with. These posts may be abolished.

16.32. The foregoing account raises the question as to why such commercial programmes are not entrusted to the Maharashtra Agro-Industries Development Corporation. The Memorandum of Association specifying the objects for which the Corporation has been established itself classifies them into three categories—

(*a*) the main objects to be pursued by the Corporation on its incorporation;

(*b*) the objects incidental or ancillary to the main objects; and

(*c*) the other objects.

[*Vide* clause (42) of section 3 of the Memorandum of Association.]

The commercial activities of the Animal Husbandry Department mentioned earlier are covered by the main objects themselves (*vide* items 2, 6, 7 and 8 of the list of main objects—Annexure 10).

16.33. The main advantages of entrusting these activities to an established Corporation are:

(i) that it would avoid *ad hoc* arrangements like the establishment of Boards of Management or the appointment of a High Power Committee for ensuring business-like operation of the schemes;

(ii) that a commercial body is likely to provide a realistic assessment of the profitability of a project and focus attention on the factors which may affect it;

(iii) that the accounting system, organisation, etc. will be designed to ensure business-like operation of the project; and

(iv) that a commercial body can recruit personnel specifically for the particular project, thus avoiding the transfers which normally occur in a large Government Department.

16.34. The Managing Director of the Maharashtra Agro-Industries Development Corporation with whom the subject was discussed, is not in favour of taking over these activities for the following reasons:

(i) Though the scope of the objects for which the Corporation has been established is very wide and would permit almost any activity being entrusted to the Corporation, the intention of the Government of India was that the Corporation should concern itself mainly with agricultural engineering activities. Indeed the Government of India has threatened to withdraw from the Corporation if agricultural engineering is not given the first priority.

(ii) The Corporation as now organised has very little of commercial or technical expertise and, therefore, it is not likely to run these schemes better than the Animal Husbandry Department.

(iii) Because of initial defects in formulating the projects or insufficient supply of poultry birds or pigs, the projects will not be profitable for some years. The Corporation should be required to take over the projects only after the operations reach the break-even point.

(iv) The Animal Husbandry Department can employ on these projects staff sanctioned for other schemes or [illegible] debiting the costs thereof to these projects and [illegible] losses.

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(i) Though the scope of the objects for which the Corporation has been established is very wide and would permit almost any activity being entrusted to the Corporation, the intention of the Government of India was that the Corporation should concern itself mainly with agricultural engineering activities. Indeed the Government of India has threatened to withdraw from the Corporation if agricultural engineering is not given the first priority.

(ii) The Corporation as now organised has very little of commercial or technical expertise and, therefore, it is not likely to run these schemes better than the Animal Husbandry Department.

(iii) Because of initial defects in formulating the projects or insufficient supply of poultry birds or pigs, the projects will not be profitable for some years. The Corporation should be required to take over the projects only after the operations reach the break-even point.

(iv) The Animal Husbandry Department can employ on these projects staff sanctioned for other schemes or activities without debiting the costs thereof to these projects and thus minimise the losses.

(v) The Poultry Dressing Plant and the Bacon Factory are not purely commercial projects in that one of the objectives is to encourage pig and poultry breeding by giving the breeders an assured and reasonable return. The Animal Husbandry Department, which is responsible for the extension programmes, will be in a better position to co-ordinate the extension and commercial activities.

16.35. As regards the first objection, it has already been pointed out that the programmes are covered by the "main objects". All that the Government of India requires is that engineering activities should get priority. Evidently, the threat of withdrawal has been held out because so far the Corporation has not taken up any agricultural engineering programmes. It is not unreasonable to suppose that the threat can be warded off if some agricultural engineering activities are taken up.

16.36. To accept the second and the third objections will amount to saying that there need be no such Corporation. When profitability is quite clear, the private sector will be only too willing to enter the field. The Corporation will have to take up activities which may not yield profits readily or easily, but which are considered necessary for bringing about agricultural development. The Corporation will be expected to take calculated risks after clearly bringing out the financial implications of programmes including the extent of the promotional efforts or subsidisation required on the part of Government. As regards projects already established, it should be feasible for the Corporation to indicate the defects of such projects and the losses involved in running them which are unavoidable and flow from inherent faults therein. The Corporation, working as an efficient business organisation, should be able to run these programmes so as to minimise the losses in respect of which it could legitimately claim compensation by suitable subsidies.

16.37. The advantage pointed out in the fourth objection is enjoyed on such a limited scale that it may not materially affect the profitability of the operations. Moreover, this is a fictitious advantage since it involves a concealed subsidy which is opposed to the canons of financial propriety.

16.38. As regards the fifth objection, it is pointed out that in accordance with the accepted policy of Government, the extension programmes will be entrusted to the Zilla Parishads, as the success of such programmes depends very much on the involvement of local leadership. The Corporation will have to secure

the co-operation of the Zilla Parishads. It may be in a better position to do this because the cultivators will look to it as an organisation which secures a profitable market for their products.

16.39. I, therefore, recommend that these commercial activities of the Animal Husbandry Department be transferred to the Maharashtra Agro-Industries Development Corporation, which may be given appropriate subsidy in respect of schemes which are not viable and which are considered necessary to be proceeded with in view of the other benefits which they bring.

16.40. The Institute of Veterinary Biological Products has been classified as a commercial institution because it manufactures sera and vaccines which are sold to veterinary dispensaries within the State and also to some other States. The Institute was shifted to its present site in Poona in 1959 from Bombay where it was known as the "Serum Institute ". While considering the question of renaming the Institute, the then Deputy Director of Animal Husbandry (Planning) had observed as follows:

"It is an institute primarily meant for the production of biologicals, research is subsidiary and is a part of the production procedure to raise its standards for potency, keeping quality, etc. Hence—

'Institute of Veterinary Biological Products', should be enough."

Though subsidiary, the research involved is considerable. It will not, therefore, be advisable to transfer it to the Maharashtra Agro-Industries Development Corporation. Nevertheless, in the interests of future development, expansion and businesslike running of the Institute, it will be desirable to rid it of the departmental control and to allow it to function as an independent organisation, preferably under a Board with wide powers.

16.41. The Director had asked for an Accounts Unit to deal with the settlement of the bills for the supplies to the Zilla Parishads. In view of the procedure for the settlement of these bills recommended in Appendix 8 dealing with suggestions for procedural improvements, the extra staff may not be necessary.

Regulatory Work—Check Posts

16.42. After completing an intensive programme for the eradication of Rinderpest in all the 26 districts of the State during t Second Plan period, the follow-up work of this scheme was u taken by establishing 4 check posts in 1962 and 2 follow-up

in 1964 in different districts on the border of the States of Madhya Pradesh and Gujarat with Maharashtra. The functions assigned to these 6 check posts are to protect in-coming animals from other States against various diseases and to form an immune belt of 25 miles ; and also to eradicate Rinderpest from the State. Since the check posts are established in different districts, the question whether they may be transferred to the respective Zilla Parishads was considered. It is, however, felt that since the follow-up work of eradication of Rinderpest is a scheme of the Government of India and also since the staff at the check posts may have to be utilised in different parts of the entire border which may extend to other districts also, these check posts may continue to be retained in the State sector.

Staffing Pattern for Transferred Schemes

16.43. It has been recommended that the programmes of Key Village and District Artificial Insemination Centres, Intensive Cattle Development Projects, Intensive Poultry Development Blocks, Veterinary Polyclinics and Hospitals, and Disease Investigation be transferred to the Zilla Parishads. On such transfer, it will be necessary to review the staff at present engaged on these schemes in the State sector and the Zilla Parishads and evolve an integrated pattern of staff, taking into account the contents of each programme. This integrated pattern would comprise District Polyclinic, Veterinary Dispensary and Veterinary Aid Centre. All activities connected with provision of veterinary aid, disease investigation, artificial insemination and extension would be carried out by these institutions.

16.44. The detailed staffing pattern for each category of institutions is given subsequently. This staffing pattern has, however, been worked out on the basis of the following recommendations :

(*a*) A recommendation has been made in Part III of the Report dealing with Development Administration (Local Sector) for upgrading of the post of the District Animal Husbandry Officer to Class I and providing him with certain additional staff. The office of the Project Officer under the Intensive Cattle Development Project and the Intensive Poultry Development Block should be abolished, and in those districts where they are functioning, one additional junior assistant should be given to the District Animal Husbandry Officer.

(*b*) All existing district level Veterinary Dispensaries, Veterinary Polyclinics, Hospitals and Disease Investigation Centres

should be replaced by a single District Veterinary Polyclinic. The existing regional artificial insemination centres at Poona and Nagpur, all key village centres and all district artificial insemination centres should also be abolished and the following staff should be attached to each District Veterinary Polyclinic, which would be expected to attend to all work now being handled by the District Artificial Insemination Centre:

(1) Veterinary Officer	...	One
(2) Livestock Supervisors	...	Two
(3) Laboratory Attendant	..	One
(4) Bull Attendants	...	Four
(5) Junior Clerk	...	One

(c) The laboratory at the Veterinary Polyclinic should be adequate in size to provide facilities for artificial insemination work also. Semen should normally be despatched by using the State Transport services as is being done at present. The existing jeep of the Veterinary Polyclinic should be utilized for supervisory work relating to both Veterinary Aid Centres and Artificial Insemination Centres. In two districts, viz., Ratnagiri and Osmanabad, where the distance between the district headquarters and some Veterinary Dispensaries or Aid Centres is so large that even by public transport it is not possible to send semen within a period of 4 hours, the question of creating a second District Veterinary Polyclinic may be considered.

(d) Each district should be provided with one such Polyclinic with all the existing staff and the facilities. Though there will be only 8 such Polyclinics existing at the end of 1970-71, with the abolition of all other institutions and the re-organisation subsequently proposed at the lower level, the establishment of such Polyclinics at the district level is not likely to result in much additional financial liability to Government.

(e) All key village centres, key village units, and sub-centres under the District Artificial Insemination Centre, semen collection centres and Artificial Insemination Centres under the Intensive Cattle Development Project and all other similar organisations below the district level should be abolished. They should be replaced by Veterinary Dispensaries and Veterinary Aid Centres provided on the basis of one Veterinary Dispensary and 3 Veterinary Aid Centres for each Community Projects Administration pattern block on the same lines rec mended under the Community Development Progr

in 1964 in different districts on the border of the States of Madhya Pradesh and Gujarat with Maharashtra. The functions assigned to these 6 check posts are to protect in-coming animals from other States against various diseases and to form an immune belt of 25 miles; and also to eradicate Rinderpest from the State. Since the check posts are established in different districts, the question whether they may be transferred to the respective Zilla Parishads was considered. It is, however, felt that since the follow-up work of eradication of Rinderpest is a scheme of the Government of India and also since the staff at the check posts may have to be utilised in different parts of the entire border which may extend to other districts also, these check posts may continue to be retained in the State sector.

Staffing Pattern for Transferred Schemes

16.43. It has been recommended that the programmes of Key Village and District Artificial Insemination Centres, Intensive Cattle Development Projects, Intensive Poultry Development Blocks, Veterinary Polyclinics and Hospitals, and Disease Investigation be transferred to the Zilla Parishads. On such transfer, it will be necessary to review the staff at present engaged on these schemes in the State sector and the Zilla Parishads and evolve an integrated pattern of staff, taking into account the contents of each programme. This integrated pattern would comprise District Polyclinic, Veterinary Dispensary and Veterinary Aid Centre. All activities connected with provision of veterinary aid, disease investigation, artificial insemination and extension would be carried out by these institutions.

16.44. The detailed staffing pattern for each category of institutions is given subsequently. This staffing pattern has, however, been worked out on the basis of the following recommendations:

(a) A recommendation has been made in Part III of the Report dealing with Development Administration (Local Sector) for upgrading of the post of the District Animal Husbandry Officer to Class I and providing him with certain additional staff. The office of the Project Officer under the Intensive Cattle Development Project and the Intensive Poultry Development Block should be abolished, and in those districts where they are functioning, one additional junior assistant should be given to the District Animal Husbandry Officer.

(b) All existing district level Veterinary Dispensaries, Veterinary Polyclinics, Hospitals and Disease Investigation Centres

should be replaced by a single District Veterinary Polyclinic. The existing regional artificial insemination centres at Poona and Nagpur, all key village centres and all district artificial insemination centres should also be abolished and the following staff should be attached to each District Veterinary Polyclinic, which would be expected to attend to all work now being handled by the District Artificial Insemination Centre:

(1) Veterinary Officer	...	One
(2) Livestock Supervisors	...	Two
(3) Laboratory Attendant	...	One
(4) Bull Attendants	...	Four
(5) Junior Clerk	...	One

(c) The laboratory at the Veterinary Polyclinic should be adequate in size to provide facilities for artificial insemination work also. Semen should normally be despatched by using the State Transport services as is being done at present. The existing jeep of the Veterinary Polyclinic should be utilized for supervisory work relating to both Veterinary Aid Centres and Artificial Insemination Centres. In two districts, viz., Ratnagiri and Osmanabad, where the distance between the district headquarters and some Veterinary Dispensaries or Aid Centres is so large that even by public transport it is not possible to send semen within a period of 4 hours, the question of creating a second District Veterinary Polyclinic may be considered.

(d) Each district should be provided with one such Polyclinic with all the existing staff and the facilities. Though there will be only 8 such Polyclinics existing at the end of 1970-71, with the abolition of all other institutions and the re-organisation subsequently proposed at the lower level, the establishment of such Polyclinics at the district level is not likely to result in much additional financial liability to Government.

(e) All key village centres, key village units, and subcentres under the District Artificial Insemination Centre, semen collection centres and Artificial Insemination Centres under the Intensive Cattle Development Project and all other similar organisations below the district level should be abolished. They should be replaced by Veterinary Dispensaries and Veterinary Aid Centres provided on the basis of one Veterinary Dispensary and 3 Veterinary Aid Centres for each Community Projects Administration pattern block on the same lines reco mended under the Community Development Programme. W

it is desirable to intensify the work, this should be carried out by increasing the number of Veterinary Dispensaries and the supporting Veterinary Aid Centres, taking into account the contemplated coverage.

16.45. In the light of the preceding discussion and of the work-load of the institutions at various levels, it is recommended that the staffing pattern of the three institutions, viz., Veterinary Polyclinic, Veterinary Dispensary and Veterinary Aid Centre, should be as follows :

(1) *Veterinary Polyclinic* (District level). ..	For Polyclinic work (The existing staffing pattern is retained.) ..	For work now being handled by District Artificial Insemination Centre.
	1 Principal. 4 Veterinary Officers. 2 Livestock Supervisors. 2 Compounders. 1 Junior Clerk. 2 Dressers. 1 Driver. 4 Attendants.	Veterinary Officer In-charge (Class II). 1 Veterinary Officer. 2 Livestock Supervisors. 1 Laboratory Attendant. 1 Junior Clerk. 4 Bull Attendants.
(2) *Veterinary Dispensary* (Group of Veterinary Aid Centres, normally 1 dispensary for 3 centres). ..	1 Veterinary Officer—in Class II at Block headquarters and other places where attendance is heavy (these posts have already been upgraded); and in Class III elsewhere. 1 Livestock Supervisor at the dispensary at Block headquarters only. 1 Compounder—where a Class II Veterinary Officer is provided. 1 Dresser. 2 Attendants.	
(3) *Veterinary Aid Centre* (Group of Villages). ..	1 Livestock Supervisor. 1 Attendant.	

16.46. Incidentally, in the case of areas covered by the existing Intensive Cattle Development Projects, it is necessary to clarify how the activities of fodder development and feed mixing should be carried on under the revised pattern. As regards Fodder Development Section, it is mainly concerned with the supply of seed, sets of grasses, manures, chaff-cutters, etc. The Director has admitted that "the development of fodder depends on the co-operation of the farmers and their willingness to set apart a small part of their land for fodder. The Veterinary Officers are trained in fodder development and management practices, and it will be easy for them to undertake this work along with artificial insemination work." It is, therefore, obvious that unless the extension agency functioning at and below the Block level, which is in close contact with the farmer, is brought into the picture, this programme cannot be properly implemented. Even here, the Veterinary Officers at the dispensaries, who should be trained as stated by the Director, and the Livestock Supervisors at the Veterinary Aid Centres should

work in close co-operation with the agricultural extension staff and the gramsevaks. The programme will also require co-ordination between the Block Development Officer and the Block Agricultural Development Officer at the Block level, and co-ordinated supervision by the Agricultural Development Officer and the District Animal Husbandry Officer from the Zilla Parished level. With proper co-ordination, the work can be attended to by the normal extension agency at Village and Block levels and separate staff for fodder development work in the Project area would not be necessary. The existing posts in the Fodder Development Section in each Project may be abolished

16.47. As for the Feed Mixing Unit, provision of feed at a small price to the cattle-farmers constitutes the most important service in the Project, which gets damaged grains from Government for this purpose. Out of the four Projects, the Feed Mixing Unit under the Miraj Project only has a turnover of Rs. 8 lakhs, while in other Projects, the work done is not quite satisfactory. At Dhulia, the Co-operative Milk Union has requested Government to hand over the Feed Mixing Unit to it. Taking into account this position, it is recommended that adequate funds should be provided by Government to the Zilla Parishads concerned for establishing and maintaining such Feed Mixing Units. The staff working in the Feed Mixing Unit of each Project should be abolished.

Set-up of the Animal Husbandry Department

16.48. There is at present a Regional Deputy Director at the level of the Revenue Division over the District Animal Husbandry Officer. He is assisted by a Technical Assistant (Veterinary Officer) in technical matters and a small staff comprising 2 senior assistants, 3 senior clerks, 6 junior clerks and 4 to 5 peons. Unlike the Superintending Agricultural Officer who has, at present, the services of a few subject matter specialists available to him at the regional level in his own office, the Regional Deputy Director of Animal Husbandry does not have any such specialist officers with him. In the set-up suggested by the Work Study Team, which had examined the Animal Husbandry Department in 1966, the subject matter specialists were proposed to be attached to the office of the Director. This pattern was accepted by Government and implemented in 1969. The organisation under the specialists up to the regional level has also been placed under the administrative control of the Regional Deputy Director, who thus functions as the representative of the Director for all Animal Husbandry activities at the regional level. The Director has, in his proposals,

suggested strengthening of the regional office by giving it one Technical Officer and one Administrative Officer, both in Class II, and ministerial staff comprising 1 superintendent, 5 senior assistants, 5 senior clerks and 10 junior clerks.

16.49. The role of the Regional Deputy Director has to be examined in the light of the recommendations made earlier in respect of the Animal Husbandry programmes in the State sector. If those recommendations are accepted, all research and educational activities like breeding farms and training courses would be transferred to the Agricultural Universities, while schemes relating to extension, veterinary aid and disease investigation, like the Intensive Cattle Development Projects, Intensive Poultry Development Blocks, Key Village Centres, Veterinary Hospitals and Polyclinics, Disease Investigation Section, etc. would go to the Zilla Parishads. Further, most of the commercial schemes like the Poultry Dressing Plant, Bacon Factory, Egg Collection and Marketing, etc. would be transferred either to the Maharashtra Agro-Industries Development Corporation or some other quasi-commercial body. This would leave only the specialised service functions like the regulatory work done at the check posts in the State sector.

16.50. The detailed discussion earlier* in respect of the Agriculture Department Organisation applies equally to the set-up of the Animal Husbandry Department also. With the transfer of almost all important Animal Husbandry programmes to bodies like the Zilla Parishads, Agricultural Universities and the Agro-Industries Development Corporation, there would remain very little original work to be done in the State sector.

16.51. The role of the Regional Deputy Director as envisaged by the Director is purely supervisory. Even here, since the staff working in the afore-mentioned schemes will also be transferred along with those schemes to the respective bodies, there would be a very small staff under the administrative control of the Regional Deputy Director.

16.52. An important aspect of administrative control is the regulation of appointments, transfers, and preparation and maintenance of seniority lists for purposes of promotions, etc. In the Agriculture Department, certain cadres have been regionalised and the Superintending Agricultural Officer controls their establishment matters. A similar proposal for regionalisation of some

* Chapter 15.

cadres submitted by the Director of Animal Husbandry is separately under consideration of Government in the Agriculture and Co-operation Department. The transfer of most of the Animal Husbandry activities in the State sector to other authorities would, however, obviate the need for such regionalisation inasmuch as the cadres will be controlled by the respective authorities, which are independent of one another. Suggestions for regulating the channel of promotions of members of various cadres transferred to the Panchayati Raj institutions, to higher posts including the gazetted posts in the State sector, are made separately*.

16.53. As regards the technical supervision by the Regional Deputy Director, the same would not now be necessary for the following reasons:

(i) Most of the schemes already functioning in or proposed to be transferred to the Zilla Parishads, e.g., Veterinary Dispensaries with a higher daily attendance, Key Village and District Artificial Insemination Centres, Veterinary Polyclinics, etc. would be in charge of Class II Officers.

(ii) The District Animal Husbandry Officer of the Zilla Parishad is proposed to be upgraded to Class I. He would also have the assistance, in technical matters, of a fairly senior Class II Veterinary Officer. Among the two, they should be able to ensure proper technical supervision over all Animal Husbandry activities under the Zilla Parishad.

(iii) As for the research and educational schemes to be transferred to the Agricultural Universities, those will be manned by well-qualified and experienced specialist officers The type of work done by them would hardly require any administrative supervision from a "generalist" technical officer like the present Regional Deputy Director.

The inevitable conclusion, as in the case of the Agriculture Department, is that the regional offices are unnecessary. It is, therefore, recommended that the offices of the Regional Deputy Directors of Animal Husbandry be abolished.

16.54. Apart from the Director, there is another post of Joint Director in the super time scale, though it is vacant at present. The post was first created temporarily in August 195[illegible], with a view to training the incumbent in the field of administration so that eventually he could take over as Director of Animal Husbandry. The

*Appendix 8—paragraph 2.

first incumbent of the post actually took over on the 2nd March 1961 and continued till the 26th September 1963 after which date he was promoted as Director. The post, thus fallen vacant, was in existence till the 28th February 1964, and discontinued thereafter.

16.55. During the third Plan period, when the Crash Programme was undertaken by the State Government under one of the schemes sanctioned by the Government of India, viz., the Intensive Cattle Development Project scheme, that Government had suggested the appointment of an officer of the status of Joint Director. It was, therefore, thought fit to revive the post of Joint Director, and to entrust to the incumbent the work of the Intensive Cattle Development Projects, as contemplated by the Government of India, and also of other Crash Programme schemes. It is understood that after scrutinising the proposal, the Finance Department had agreed to the revival of the post only because that was "a limited revival to enable the Director, Animal Husbandry to cope with the sudden increase in the work on account of the Crash Programme." The post of Joint Director was accordingly revived under Government Resolution, Agriculture, Forests and Co-operation Department, No. VET-1161/3087-D, dated the 9th January 1965 "for proper co-ordination and to cope up with the increasing tempo of work particularly relating to Crash Programme of the Animal Husbandry Department and other connected matters such as advance action on schemes for the Fourth Five-Year Plan etc."

16.56. Elsewhere it has been suggested that all schemes relating to extension, veterinary aid, etc., including the Intensive Cattle Development Projects, should be transferred to the Zilla Parishads. Most of the schemes covered by the erstwhile Crash Programmes would thus be managed by the Zilla Parishads. With the added responsibility falling on the Animal Husbandry Department of the Zilla Parishad, the post of District Animal Husbandry Officer is also recommended* to be upgraded to Class I. In view of this, no specific need is felt of the post of Joint Director. The post may, therefore, be abolished.

16.57. Originally, there were 2 posts of Deputy Directors at headquarters, one in charge of the Animal Husbandry Wing and the other of the Veterinary Wing besides administration. In accordance with the recommendation of the Work Study Team which had examined the Animal Husbandry Department in 1966, the following State level

* Paragraph 11.33.

experts and their staff were merged with the Director's office in 1969 :

State Level Expert	*New Designation*
1. Deputy Director-in-charge, Key Village Scheme and Artificial Insemination Work.	Deputy Director (Cattle Development).
2. Poultry Development Officer.	Deputy Director (Poultry Development).
3. Sheep Development Officer	Deputy Director (Sheep and Wool Development).

As regards Class II officers, there were till 1968 the following 6 officers working in the Director's office :

1 Personal Assistant.
1 O & M Officer.
1 Accounts Officer.
1 Audit Officer.
2 Technical Officers (one of whom is a Statistical Officer with training in Statistics).

With the merger of the offices of Specialist Officers with the Directorate in 1969, five more posts of Technical Officers have come to the Head Office. Out of these, however, four posts are vacant, as shown in the appended chart (Annexure 11).

16.58. According to the Director, with the removal of the regional organisation, he would require a few functional Deputy Directors, with whose assistance he would be able to carry out his functions of inspection and technical supervision. He has suggested four posts as follows :

(1) Deputy Director (Cattle).
(2) Deputy Director (Poultry).
(3) Deputy Director (Sheep and Goats).
(4) Deputy Director (Veterinary and Administration).

In addition, he might require an officer of a slightly lower status for Swine Husbandry at a later stage.

16.59. The distribution of subjects on a functional basis as indicated presupposes the continuance of subject matter specialists at the head office. In the pattern recommended in this report for both the Agriculture and the Animal Husbandry Departments, the 'Res an

Education' schemes would go to the Agricultural Universities. The various subject matter specialists will naturally be attached, under those schemes, to the Universities, which are expected to give technical guidance to the authorities both in the State sector and in the local sector. Ordinarily, therefore, it would not be necessary to retain specialist officers at the level of the Director. However, unlike the Agriculture Department, the Animal Husbandry Department did not have specialists in the Veterinary Colleges which have been transferred to the Agricultural Universities. Elsewhere it has been recommended that the breeding farms for cattle, sheep and poultry should be transferred to the Universities. It will be necessary for the University to have specialists for carrying out research at those farms. Nevertheless, it will take some time for the University to have specialists in various disciplines. Till then, it would be necessary to have functional Deputy Directors at headquarters to assist the Director of Animal Husbandry. I accordingly recommend that functional posts of Deputy Directors as suggested by the Director be sanctioned for his Head Office with the abolition of the Regional set-up. The position may be reviewed after five years.

16.60. As regards Class II Officers, the Director has suggested one Technical Officer for each Deputy Director except the Deputy Director for Veterinary and Administration, who will have non-technical officers under him. With the transfer of most of the schemes from the State sector to other sectors, the "technical" references coming to the Director's office will be reduced considerably. Further, with Class I District Animal Husbandry Officers recommended for the Zilla Parishads, the usefulness of Technical Class II Officers in inspection and supervision over them is questionable. For examining the proposals in technical branches from a technical angle, all Deputy Directors except the Deputy Director (Cattle Development) may each be given a Technical Assistant (Veterinary Officer in Class III). In his earlier proposals, the Director had entrusted the subject "Piggery Development (or Swine Husbandry)" to the Deputy Director (Cattle Development). The same arrangement may continue. Since, however, the charge may be heavier than that of the other Deputy Directors, the Deputy Director (Cattle Development) may be given a Technical Officer in Class II for attending to Swine Husbandry work.

16.61. As in the case of the Agriculture Department, the Director of Animal Husbandry will continue to attend to planning, collection of statistics, establishment matters and maintenance of accounts. Since the transfer of schemes to the Zilla Parishads and

the Universities has also been recommended on the lines similar to the schemes under Agriculture, on the same analogy, it should be possible to reduce the administrative staff in the Animal Husbandry Department by about 50 per cent. within three years or so.

16.62. There should be a separate branch for the work relating to planning and collection of statistics. Since all the technical branches would be concerned with both these subjects and, further, since the work relating to plan schemes is important, the branch may not be attached to any particular Deputy Director as each of the Deputy Directors is given a functional charge. This branch may be directly under the Director, who may be assisted by a Technical Officer in Class II. This Officer should be trained in statistics as at present, and should submit the work to the Director through the concerned Deputy Director. Since he can remain in constant touch with his branch, no post of Superintendent or Technical Assistant need be given.

16.63. As regards accounts staff, the Director had earlier asked for a big staff to cope with the increased work of (i) reconciliation and keeping accounts of General Provident Fund and recovery of loans, and (ii) budget and distribution of grants to Zilla Parishads. The staff was required for both the Director's office and the regional offices. In the budget proposals for 1970-71, provision has been made to strengthen the Director's office by the following staff:

1 Superintendent.
2 Senior Assistants.
4 Senior Clerks.
3 Junior Clerks.

The present staff in the accounts branch in the Directorate is 1 Superintendent, 2 Senior Assistants, 7 Senior Clerks and 4 Junior Clerks. After adding the newly sanctioned staff to this, it is proposed to have 2 branches with the following staff:

Post		Accounts Branch	Budget Branch
Superintendent	...	1	1
Senior Assistant	...	1	3
Senior Clerk	...	5	6
Junior Clerk	...	3	4

Provision is also made in 1970-71 for strengthening the accounts staff (1 Senior Assistant and 1 Senior Clerk) of each regional office by creating additional posts of 1 Senior Assistant and 2 Senior Clerks.

16.64. With the proposed abolition of the Regional Offices altogether, the entire staff including this accounts staff could be dispensed with. The abolition of the Regional Offices would result in some additional work for the Directorate. The existing staff of 1 Superintendent, 2 Senior Assistants, 7 Senior Clerks and 4 Junior Clerks may, therefore, continue and the additional staff of 2 Senior Assistants, 4 Senior Clerks and 3 Junior Clerks may be sanctioned for the work of budget and grants to Zilla Parishads provisionally for one year. The post of Superintendent is not necessary as one can be made available by internal adjustment, as shown in the chart (Annexure 12). As suggested in the case of the Agriculture Department, the question of reducing the accounts staff may be considered after about a year from the date the Regional Offices are abolished.

16.65. The budget proposals for 1970-71 also envisage strengthening of the Audit Branch in the Directorate which carries out the internal audit of all the offices/schemes/institutions under the control of the Director of Animal Husbandry. The branch, which consists of 11 Senior Assistants and 6 Senior Clerks at present, would then have the following staff :

6 Superintendents (posts of 6 Senior Assistants upgraded).
6 Senior Assistants (5 existing plus 1 to be created).
6 Senior Clerks.

This staff would form 6 audit parties, each having 1 Superintendent, 1 Senior Assistant and 1 Senior Clerk, and would carry out every year 100 per cent. audit of the accounts of each and every office/scheme/institution. Major schemes include: Key Village Centres, District and subordinate Artificial Insemination Centres, Veterinary Polyclinics and Hospitals, Supplementary Sheep Breeding Centres, Institute of Veterinary Biological Products, check posts, etc. Except the two last-named institutions, which are proposed to be retained in the State sector, all other schemes and programmes under Animal Husbandry have been recommended for transfer to the Zilla Parishads, Agricultural Universities or the Agro-Industries Development Corporation. This would leave hardly one or two schemes/institutions in the State sector, i.e., under the direct control of the Director. It would not be necessary for the Director to conduct the internal or departmental audit of any of the transferred schemes in regard to the accounts of which the recommendations made elsewhere* in the report for strengthening the accounts staff at all levels and for the proper maintenance of the preliminary accounts are adequate. As regards the audit of the

* Paragraphs 10.52, 11.18 and 11.22.

schemes that would still remain in the State sector, one of the audit parties comprising 1 Superintendent, 1 Senior Assistant and 1 Senior Clerk may be retained for the purpose. The remaining 5 audit parties would then be surplus and may be abolished.

16.66. As for ministerial staff in the Director's office, the Director, in his own proposals, has considered it possible to effect reduction of staff on an *ad hoc* basis, by about 15 per cent. of the existing strength. This suggestion of course presupposes delegation of authority to the Regional Deputy Directors. Though the recommendations contained in this report dispense with the Regional Organisations in a few Development Departments like the Agriculture and Animal Husbandry Departments, they also seek to strengthen the organisation of the other Authorities like the Zilla Parishads to which a large number of schemes would be transferred, with higher and better-qualified technical personnel. Looking to the activities that would remain in the State sector after the proposed transfer of schemes, the work coming to the Director would be much less. To begin with, therefore, the Director's *ad hoc* cut of 15 per cent. of the existing strength may be accepted and applied, and later, as suggested for accounts staff above, the position may be reviewed after a year or so after the abolition of the regional organisation.

16.67. Incidentally, it is pointed out that the Director's proposals have reference to the position of staff as it stood on the 1st August 1968. In 1969, however, the offices of subject specialists were merged in the Directorate. The total staff then was as follows:

4 Technical Assistants.
6 Superintendents.
24 Senior Assistants.
28 Senior Clerks.
40 Junior Clerks.
3 Stenographers.
2 Drivers.
1 Daftarband.
28 Class IV persons.

The branch-wise distribution of this staff is shown in the appended chart (Annexure 11). The suggested cut of 15 per cent. should, therefore, be applied to this staff (i.e., including the additions) which would remain after abolishing the surplus posts for accounts and audit work as recommended.

16.68. The final pattern of staff for the Director's office would be as follows:

(a) *Officers:*

1 Director — Supertime scale.

4 Deputy Directors — Class I.

2 Technical Officers — Class II.

4 Non-technical Officers — Class II.

(b) *Non-gazetted staff:*

Technical: 3 Technical Assistants (Veterinary Officers).

Non-technical:

(i) Supervisory — 6 Superintendents (including 1 for audit party).

(ii) Staff in the Branches, as follows:

(1) *Accounts and Budget Branches.*—Staff as existed in 1969 *plus* 2 Senior Assistants, 4 Senior Clerks and 3 Junior Clerks should continue. The newly sanctioned post of Superintendent is not necessary.

(2) *Audit Branch.*—Only 1 Audit Party consisting of 1 Superintendent, 1 Senior Assistant and 1 Senior Clerk should continue. The post of Superintendent can be given by internal adjustment. The remaining newly sanctioned posts, viz., 6 Superintendents, 5 Senior Assistants and 5 Senior Clerks should be abolished.

(3) The other Branches should be formed as shown in the chart (Annexure 12) and the remaining staff should be distributed among them after applying a cut of 15 per cent.

(4) Class IV staff should be according to the prescribed norms.

16.69. A chart showing the revised organisation of the Director's office is appended (Annexure 12). The actual application of the suggested cut to the existing staff and the distribution of staff among the various branches shown in the chart may be left to the Director of Animal Husbandry.

ANNEXURE 10

(*Vide* para. 16.32)

List of Main Objects for which the Maharashtra Agro-Industries Development Corporation has been established

1. To aid, assist, promote, develop and manufacture agricultural implements, agricultural machinery and other equipment required for fisheries, poultry, sheep, cattle and dairy development in Maharashtra and in India. (1)

2. To aid, counsel, assist, finance and protect and promote the interests of Agro-Industries and its connected activities etc. in Maharashtra whether owned or run by Government, statutory body, company, firm or individual and to provide them with capital, credit, means, resources and technical managerial assistance for the prosecution of their work and business to enable them to develop and improve their methods of manufacture, management and marketing and their technique of production. (2)

3. To organise, conduct, or manage engineering or repair shop or workshops of all description and to manufacture import, export, buy, sell or otherwise deal in workshops machinery, agricultural machinery, implements, machine tools and metals of all kinds. (3)

4. To adopt such means of making known the uses, manufacture, repairs of agricultural [illegible] and poultry [illegible] publication [illegible] ther manner [illegible] ws likely to promote the interest of the Company. (4)

5. To undertake systematic study of supply and production trends in the activities of interest to the Company. (5)

6. To promote or conduct any agricultural, commercial or industrial enterprise, establishment, company or concern. (6)

7. T[illegible] tools, fuel oil lubricants etc., or organisers of any industrial or commercial or agricultural enterprise. (8)

8. To undertake, initiate campaigns, schemes relating to agricultural activities, operations and services of interest to agriculturists expected to give better and improved yield. (9)

9 To acquire, purchase, give or sell implements, machine, equipments, appliances, tools, etc. either on hire-purchase system or on payment by instalments as may be of interest to the Company. (10)

10. To make or give, whether directly or indirectly, by means of a loan, guarantee, or provision of security or otherwise, any financial assistance to statutory bodies, and to organisa[illegible] proprietor[illegible] objects as [illegible] velopment, [illegible]

11. To take, or otherwise acquire, and hold shares of any other company or companies having objects altogether or in part similar to those of this Company, or carrying on any business capable of being conducted so as directly or indirectly to benefit this Company, subject to the provisions of section 372 of the Companies Act, 1956. (21)

Note—The figures in brackets at the end of each item indicate the number of the item [illegible] section 3 of the Memorandum of Association of the M. A. I. D. Corporation.

As on 1st September 1969		Total No. of Posts
Supertime scale.		2
Class I	Deputy Director* (Key Village and A. I. Works)	5
Class II	Technical Officer* / Milk Competition Officer* / Fodder Development Officer*	11
Branches	C	
Subjects	App T Husbandry Pr k Activities) E	
Technical Assistant	2(1) *	4
Superintendent ..	1	6
Senior Assistant..	4	24
Senior Clerks ..	5	28
Junior Clerks ..	5	40
Stenographers ..	...	3
Drivers ..	...	2
Daftarband ..	...	1
Class IV ..	...	28

*Post vacant.

ment thus consists mainly of inspections and visits. These insp tions and visits are in addition to the statutory audit carried by a separate wing of the Department and inspections by apex a other agencies.

17.4. How far are the inspections and visits necessary for t Department to carry out its statutory obligations? The Depa ment has to ensure that every registered co-operative institution audited at least once a year. The Department does this throu departmental auditors or through certified auditors. The au carried out under section 81 of the Act is exhaustive and n confined merely to accounts. While a complaint or an inspecti may start an investigation, it is the audit report which is normal relied upon for statutory action.

17.5. The forms prescribed by the Department require t auditors to see whether or not the provisions of the Maharasht Co-operative Societies Act, 1960, Rules made thereunder, and t bye-laws adopted by the institution are observed. Earlier, t Department had prescribed special forms for seven types of societi only. The special forms have now been made more comprehensi and extended to twenty-eight additional types of societies. Mor over, over the past twelve years the system of concurrent a continuous audit has been extended to fourteen categories co-operative institutions which include major institutions lik Co-operative Sugar Factories, Co-operative Spinning Mills, Co operative Agricultural Processing Societies and societies of econo mically weaker sections such as the Forest Labourers' Co-operativ Societies, Weavers' Societies, etc. At the end of the co-operativ year 1968-69, i.e., on the 30th June 1969, 2,883 institutions wer subject to concurrent and continuous audit. In respect of co-ope rative institutions covered by this system, the auditors sen a quarterly report both to the institutions and to the audit win of the Department.

17.6. The Inspectors appointed by the District Co-operative Banks inspect all agricultural credit societies. These Inspectors are better qualified and trained than the Supervisors in the Depart- ment. The Aurangabad District Co-operative Bank had 56 Inspectors supervising 1,172 agricultural credit societies. The average number of societies per Inspector comes to 21. The Manager stated that each society can be conveniently inspected once and visited twice a year. The prescribed form of inspection is more elaborate than that prescribed by the Department. Similar inspections are being carried out by all other District

Co-operative Banks. The inspections carried out by the Bank Inspectors are reviewed by the Inspectors of the divisional inspecting offices established by the Maharashtra State Co-operative Bank. The Manager of the District Co-operative Bank, Aurangabad, as also the Managing Director of the Maharashtra State Co-operative Bank stated that the inspections carried out by Supervisors of the Co-operative Department are of little value.

17.7. The Divisional Officers of the Maharashtra State Co-operative Bank also inspect all District Co-operative Banks and branches thereof. Besides recording remarks in the inspection form which is quite elaborate, the inspecting officer is expected to give an exhaustive note on the working of the District Bank. The annual inspection calls for (i) assessment of linking of credit with marketing, (ii) an examination of the constitution and working of the Board of Directors, (iii) a comprehensive examination of loan transactions, covering procedure, disbursement, utilisation and recovery, and (iv) checking of action taken on audit reports.

17.8. The Divisional Office also inspects marketing societies and all co-operative institutions financed either by the Maharashtra State Co-operative Bank which include all co-operative sugar, spinning and other processing societies, or by the District Co-operative Banks. These inspections take into account the following aspects:

(i) Promotional;

(ii) Financial position — financial soundness, repayment of Government dues, reserves, investment;

(iii) Financial assistance — utilisation, whether approval of the District Deputy Registrar obtained for excess expenditure;

(iv) Review of work done, detailed examination of various transactions;

(v) Adequacy of supervision;

(vi) Action on Government Audit.

17.9. With effect from the 1st March 1966, the Banking Regulation Act, 1949, became applicable to Urban Co-operative Banks. At present the Reserve Bank of India inspects 50% of these banks through its own Inspectors and the other 50% through the Inspectors of the Maharashtra State Co-operative Bank. The prescribed form of inspection is confidential. The Chief Officer (Maharashtra State Co-operative Bank) stated that all transactions are examined not merely with reference to the Banking Regulation Act, but also with reference to the Maharashtra Co-operative Societies Act, Rules and bye-laws. As an illustration of the co-operative outlook, t'

officer pointed out that whether the face value of shares was pitched too high to eliminate persons with low income would be taken note of and commented upon. Copies of the inspection reports are sent to the Registrar of Co-operative Societies by the Reserve Bank. The Maharashtra State Co-operative Bank, on its own, writes to the Registrar of Co-operative Societies to bring to his notice serious irregularities. It took three years for the Reserve Bank of India and the Maharashtra State Co-operative Bank to inspect all urban banks.

17.10. One justification offered for inspections by the Department is that through these channels the Department seeks to give technical and managerial advice to the society. It would appear from the prescribed inspection forms that the inspections are "non-technical". Besides, very few of the inspecting officers can be said to be competent to give technical advice. Most of the co-operative and assistant co-operative officers have no qualifications or training for the purpose. Only the mechanical supervisor and civil overseer of the Lift Irrigation Cell, the technical assistant (powerlooms), the technical assistant (leather) and the powerloom jobber have some technical qualifications or experience in the line.

17.11. The Maharashtra State Co-operative Bank set up an Industries Commission in 1961 for ensuring that schemes to be financed by the Bank or Central Financing Agencies are economically and technically sound and credit-worthy. Most of the processing societies were actually inspected by the Maharashtra State Co-operative Bank in order to give them managerial and technical advice and ensure their financial viability. The National Co-operative Development Corporation has recommended that expert guidance be provided by apex institutions and is today financing the appointment of technical personnel by apex institutions. On the basis of these schemes, experts have been provided not only for the Maharashtra State Co-operative Bank but also for the apex marketing corporation and certain apex institutions. Co-operative lift irrigation schemes should be prepared by the engineers of the Irrigation and Power Department working in the concerned districts. After completion, the engineering department of the Zilla Parishads can advise the societies about maintenance and repairs.

17.12. The Inspecting staff of the Co-operative Department is not in a position to provide competent managerial advice to co-operative societies. Of the 1,657 inspections carried out by the

District Deputy Registrar, his subordinates and Supervisors of the Supervising Unions, only 102 were done by the Assistant Registrars and Deputy Registrars. Thus, about 93% of the inspections were carried out by Co-operative Officers, Assistant Co-operative Officers, Industrial Supervisors and Supervisors. The ineffectiveness of the Supervisors has been discussed earlier. Most of the Co-operative Officers, Assistant Co-operative Officers and Industrial Supervisors are matriculates and have secured the Government Diploma in Co-operation and Accountancy. These officials can at best be relied upon to collect routine information and report whether the prescribed procedures are broadly followed. They cannot be expected to advise on efficient management. Moreover, the Rural Credit Survey Committee appointed by the Reserve Bank of India, the Vaikunthlal Mehta Committee and the Standing Advisory Committee on Co-operative and Agricultural Credit of the Reserve Bank of India have in their reports expressed the view that supervision over and guidance to the primary agricultural credit societies is the legitimate function of the central financing agency. The following extract gives the views of the Vaikunthlal Mehta Committee:

> "We have carefully examined the various points of view expressed on the subject and the majority of us are of opinion that in the context of expansion of credit envisaged in the future through the co-operatives, central financing agencies will have to assume responsibilities for supervision of primary credit societies affiliated to and financed by them."

17.13. The routine inspections and visits by the officials of the Department do not appear to have achieved any results. The problem is how to tackle the managerial and technical deficiencies in the working of societies. It is felt that these could best be tackled by necessary guidance through the apex institutions which, if necessary, could be subsidised to the required extent for the purpose rather than through the personnel of the Department.

17.14. It has been earlier noted that statutory action is based on specific audit reports rather than on routine inspections. It is, therefore, necessary to strengthen the audit staff for the purposes of ensuring the annual audit as also for handling special enquiries with which it might be entrusted from time to time by the Assistant Registrars or the District Deputy Registrars. Such enquiries may be about 5 per cent. of the total audit work. Routine inspection will, therefore, be no longer necessary and it is only appropria that control over the co-operative movement should be

by the Department through its statutory functions and with the help of the audit parties.

17.15. As a corollary to the aforesaid conclusion, the functional and technical personnel at the district level would be surplus. The Department itself does not desire continuance of the functional posts as at present, but wants to pool them to provide for territorial jurisdiction.

Taluka level

17.16. At the taluka level there are usually two or three Supervisors. Though they are paid by Government, they are attached to the Taluka Supervising Union. The main function of the Supervisors is to inspect and supervise the primary credit societies. It is clear from the earlier discussion that these officials are found to be ineffective by both the Co-operative Banking Institutions and the Co-operative Department. These posts should, therefore, be abolished. Elsewhere it has been recommended that there should be an Assistant Registrar for each revenue sub-division. This Assistant Registrar should be able to attend to the work at the taluka level on the basis of audit reports and reports of inspectors of the District Central Co-operative Bank.

17.17. In addition to the Supervisors, the posts of Assistant Co-operative Officers (Hybrid) have been created for implementing the hybrid and high yielding varieties programmes. The main function of the Assistant Co-operative Officer (Hybrid) is to see that the farmers participating in the hybrid and high yielding varieties programmes get credit in time. In practice, the Assistant Co-operative Officer (Hybrid) generally expedites the Secretary, the Supervising Union and the bank to ensure that special normal credit statements for hybrid crops are prepared and sanctioned in time. The additional credits being sanctioned for the hybrid programme as distinct from the intensive cultivation programme and the other agricultural production programmes are extremely limited. In 1968-69, the credit provided for the hybrid and high yielding varieties programmes by the primary agricultural credit societies was Rs. 6·29 crores, i.e., 6·7% of the total credit of Rs. 93 crores. In the case of credit being sanctioned under normal credit statements, the function of expediting of proposals is today being performed by the normal extension staff of the Agriculture Department of the Zilla Parishads. The said staff is in a position to carry out this function effectively in the case of the hybrid programme also because the normal credit statements, whether

for normal or hybrid crops, are prepared and processed by the same personnel. It may also be noted that, with suitable strengthening of the agricultural extension staff under the Zilla Parishad proposed elsewhere* all co-ordination with the banking structure could be expected to be carried out effectively by the Zilla Parishad directly. Hence, there is no need for the Assistant Co-operative Officer (Hybrid).

District level

17.18. At the district level, there is a District Deputy Registrar, normally assisted by two or more Assistant Registrars. He is required to carry out the statutory functions under the Maharashtra Co-operative Societies Act, 1960, the Bombay Money-lenders Act, 1946 and the Agricultural Produce Marketing (Regulation) Act, 1963 He is also responsible for giving financial assistance to co-operative institutions and market committees. He is generally responsible for all promotional matters connected with the development of co-operatives and agricultural marketing.

17.19. The District Deputy Registrar must be given the necessary power and time to function effectively. This will involve relieving him of many routine functions and delegating to him certain additional powers. It is necessary to divest him of all duties not connected with the co-operative movement and to reduce the routine and less important work by delegating much greater powers to Assistant Registrars.

Agricultural Marketing

17.20. Though the District Deputy Registrar is responsible for all promotional aspects in the development of agricultural marketing, he, in fact, tends to neglect this aspect of his function. The District Deputy Registrar and his staff consider themselves to be responsible for the administration of the Maharashtra Co-operative Societies Act and the development of agricultural marketing is treated as an extraneous function. Though some staff connected with grading has undergone the specialised training, the District Deputy Registrar, Assistant Registrars and other supervisory staff have no specialised training in agricultural marketing. It was found that the staff actually sanctioned for grading and cotton marketing was diverted for other work. It was found that the Agmark and Oil Grading Laboratories were not performing their functions.

*Paragraphs 10.19 and 10.50.

17.21. With the improvement in agricultural production, the emphasis is likely to shift to providing effective facilities for marketing. Till 1961, there was a Chief Marketing Officer supported by specialised marketing staff at the divisional and the district level. This set-up was abolished on the presumption that the co-operative movement would be fully responsible for agricultural marketing. In fact, however, the co-operative movement has played a sizeable role in the marketing of commodities only where it has functioned as an agent of Government under the monopoly procurement scheme. Its role in the case of marketing of horticultural produce, dairy, poultry, meat products, etc. has been negligible. In the case of dairy and poultry products, the State Government has created independent marketing organisations for carrying out the marketing of these products in view of the failure of co-operatives to meet the requirements adequately.

17.22. The co-operative institutions are not likely to be in a position to market a major portion of the agricultural produce for many years to come. It will be necessary, therefore, to co-ordinate the functions of the private trade along with the co-operatives in any programme for the development of agricultural marketing. This will, thus, require some expertise relating to knowledge of trade practices, marketing system, processing, cold storage, etc. The functioning of regulated markets would itself have to be controlled in such a manner as to meet the expanding marketing requirements of the increased marketable surplus of various commodities and provide for effective competition.

17.23. It was also noted that the development of marketing must be closely co-ordinated with agricultural production programmes. In order to ensure such co-ordination, in some States, the Department of Marketing has been placed under the Director of Agriculture. In some States, the Directorate of Marketing functions as an operating wing of the Directorate of Agriculture. Marketing must, however, have specialised personnel having knowledge of marketing, who will be able to bring about co-ordination between the various agencies which are required to be given credit facilities and also provide facilities for marketing. With the implementation of the high-yielding varieties programmes, this need has been accentuated and it has been noticed that attention has to be drawn to the provision of necessary roads for transporting the marketable produce and allied facilities for dealing with the surplus agricultural produce. Making agricultural marketing a subordinate wing of the Department of Agriculture is likely to result admini-

stratively in transferability of personnel from the main agricultural side to the agricultural marketing side to the detriment of the latter. This will reduce the scope and incentive for specialisation and would be undesirable in view of the important role marketing is likely to play in the development of agricultural production as we shift from a deficit to a surplus situation.

17.24. It is, therefore, recommended that an independent Directorate of Marketing be created which would be responsible to Government through the Department of Agriculture in the Sachivalaya. Persons now working in the Co-operative Department but initially trained in marketing or with experience in marketing having worked under the Chief Marketing Officer when there was an independent department for marketing could form the nucleus of the new department. All grading staff, price reporters, the office of the Market Research Officer, cotton inspectors, etc. in the Co-operative Department and the staff sanctioned for the establishment of the Cotton Marketing Section and of cotton check stations now working under the Director of Agriculture should be transferred and placed under the Director of Agricultural Marketing. He should be provided with suitable staff at the district level for controlling the working of regulated markets and dealing with all problems connected with the development of agricultural marketing.

The Money-lenders Act

17.25. The administration of the Money-lenders Act is in no way connected with the administration of the Maharashtra Co-operative Societies Act. The District Deputy Registrar is, at present, merely issuing licences and looking into complaints against licensees. It is not possible for the District Deputy Registrar to earmark an official for inspections and investigations, which have to be given to different officers irrespective of the nature of their normal duties. The possibiliy of giving additional staff for carrying out the additional duties has been considered. It is felt that such regulatory duties not connected with the co-operative movement do not fit in the Co-operative Organisation. This regulatory function could conveniently be performed by the revenue machinery which covers all the villages and which is likely to be better informed about the activities regarding money-lending in the rural and urban areas.

Functional Officers

17.26. A District Deputy Registrar is, at present, assisted [illegible] territorial Assistant Registrars and a couple of f [illegible]

Registrars, Co-operative Officers and Assistant Co-operative Officers. The functional officers do not have any qualifications or training for the particular duties assigned to them. The ineffectiveness and superfluity of these functional posts has been discussed earlier. In specific cases where the cost of functional posts is being borne by the institutions, such as in the cases of Recovery Officers appointed for recovering dues of the credit societies and Land Development Banks, special functional posts may be continued. In all other cases functional posts should be abolished and Assistant Registrars should be given territorial jurisdiction.

Territorial Division

17.27. The Administrative Reorganisation Committee has already recommended that the district should be territorially divided between the two Assistant Registrars who should have independent offices. Government has already accepted this recommendation. In view of the decision to abolish functional posts of Assistant Registrars, however, the actual number of Assistant Registrars could be suitably increased to provide one for each revenue sub-division.

17.28. Each Assistant Registrar should be provided with one Co-operative Officer, one Assistant Co-operative Officer, one Senior Clerk and two Junior Clerks. He should be expected to perform all statutory functions delegated to him and supervise the functioning of all the institutions at the taluka level and below. This will substantially reduce the routine workload of the Deputy Registrar.

Bombay, Nagpur and Poona

17.29. The Commissioner for Co-operation has suggested the creation of a post of Deputy Registrar (Urban) each for the cities of Nagpur and Poona on the ground that owing to a large increase in the number of housing societies, urban banks and salary-earners' societies and the opening of branches at those places by Apex Institutions, at present the Deputy Registrars, Poona and Nagpur "hardly find any time to tour in the rural part and to supervise and guide the co-operative movement in the rural areas." For the City of Bombay, the Commissioner for Co-operation had earlier asked for two additional posts of Deputy Registrars. In his latest proposals, however, he has asked for only one additional post. It has been pointed out that, apart from the increase in workload on account of housing and salary-earners' societies, the Deputy Registrar at Bombay "is also required to attend to a large number of visitors from other States and countries" and "is also continuously to be in touch with

the Secretariat and to wait on the Ministers in connection with the various queries etc." and that, therefore, he is unable to attend to all his work satisfactorily.

17.30. It will be convenient to deal with this special argument advanced by the Commissioner for Co-operation in respect of the District Deputy Registrar, Bombay, before going into the question of the workload of these District Deputy Registrars. In fact, it has been noticed that the District Deputy Registrar, Bombay is, more often than not, not available in his office and the members of the public going to his office are told that he has gone to the Secretary or Minister in the Sachivalaya It is wholly wrong and contrary to the principles of rational administration for the District Deputy Registrar, Bombay, to function in this fashion. It is the function of the Secretariat Officers to wait on Ministers. If they need any information or clarifications, these could be obtained by them in their meetings with the Commissioner for Co-operation or the Joint Registrars or by writing to these officials. It is incorrect to treat one of the twenty-six District Deputy Registrars as a spokesman for the Department merely because he is located at the seat of Government. Hence the special argument advanced by the Commissioner for Co-operation cannot be accepted as valid.

17.31. In the present set-up many matters which ought to be disposed of by the Assistant Registrars under powers delegated to them are being referred to the Deputy Registrars. But the establishment of independent offices of territorial Assistant Registrars as recommended by the Administrative Reorganisation Committee and the creation of as many territorial charges as there are revenue subdivisions as recommended earlier should lead to substantial reduction in the workload of the District Deputy Registrars. The need for reducing the routine and less important work of the District Deputy Registrars by delegating much greater powers to the Assistant Registrars has already been emphasised. Further, the recommended elimination of routine inspections and the strengthening of the Audit Wing will reduce the load on the District Deputy Registrars and at the same time enable them to identify the societies which need special attention. Therefore, at this stage, it would suffice to provide an additional territorial Assistant Registrar each for the cities of Bombay, Nagpur and Poona. Later on, if the work needing the attention of the Deputy Registrar is found to be too heavy, one of the posts of Assistant Registrars may be upgraded to that of a [illegible].
When the second post of Deputy Registrar [illegible]

of the two Deputy Registrars should have independent territorial jurisdiction and a separate office. In Poona and Nagpur one of the two Deputy Registrars could be entrusted with all urban work as proposed by the Commissioner for Co-operation.

Staffing Pattern

17.32. In view of these recommendations, the staffing pattern of the offices of the District Deputy Registrar and the Assistant Registrar of a sub-division should be as indicated in Annexure 13.

Divisional Level

17.33. The main functions of the Divisional Joint Registrars are :

(*a*) to attend to statutory work connected with co-operative institutions registered at the Divisional level including revision ;

(*b*) to sanction financial assistance under powers delegated to them ; and

(*c*) to exercise general supervision over the working of the District Deputy Registrars.

17.34. The work relating to regulated markets and the administration of the Bombay Money-lenders Act need not be considered, as it has earlier been recommended that the Co-operative Department should be relieved of this.

17.35. The powers of financial sanction are concentrated at the divisional level and very limited powers have been delegated to the District Deputy Registrars. In the bulk of the cases the amount of assistance is completely determined by the terms and conditions prescribed for regulating the grant of such assistance. The District Deputy Registrars, who are Class I Officers of the Government, can be relied upon for ensuring that the prescribed terms and conditions are observed. The District Deputy Registrars and the Assistant Registrars working under them are in closer touch with the institutions claiming assistance than the officers at the divisional level. In consonance with Government's policy of bringing the administration as close to the people as possible as well as reducing delays in sanctions, it is necessary that the District Deputy Registrar should be entrusted with wider powers. For the same reasons, the powers other than the revision powers now exercised by the Divisional Joint Registrar including the functions in regard to registration of societies with a share capital of more than Rs. 5 lakhs should be delegated to the District Deputy Registrar.

17.36. At present information obtained from statistical and other returns is consolidated at the divisional level and also at the State level. This duplication can be avoided if the information is consolidated division-wise at the State level itself and copies forwarded to the Divisional Joint Registrars. It will not then be necessary to have statistical units in the offices of the Divisional Joint Registrars.

17.37. The task of the Divisional Joint Registrar will be to co-ordinate the activities in all districts within his division, to give necessary guidance to the District Deputy Registrars in all matters and to keep them on their toes by periodic and surprise inspections. The Joint Registrar should also be expected to be in close touch with the leading co-operatives within his division and to keep himself conversant with the problems of the major institutions

17.38. In view of the changed role of the Divisional Joint Registrars, the posts of Divisional Deputy Registrars may be abolished. Each Divisional Joint Registrar should be left with two Assistant Registrars: one for inspecting the subordinate offices and the other for general assistance at headquarters.

17.39. According to the recommendations made earlier, both at the district and divisional levels, there would be no staff for (i) inspection of co-operative institutions, (ii) administration of the Agricultural Produce Marketing (Regulation) Act and the Bombay Money-lenders Act, and (iii) giving technical guidance to co-operative institutions. In view of this and the recommended changes in the roles of the District Deputy Registrars and the Divisional Joint Registrars, the staffing structure of the divisional office should be as shown in Annexure 14.

17.40. The procedures now adopted by the district, divisional and State level offices and the Secretariat departments in collecting and furnishing information result in a lot of avoidable correspondence. The general instructions for streamlining these procedures as recommended elsewhere* would reduce the workload in the district, divisional and State level offices.

State Level

17.41. At the State level, there is a Registrar of Co-operative Societies assisted by 7 Joint Registrars, namely, the following:

(1) Joint Registrar (Audit);

(2) Joint Registrar (Sugar, including Marketing and Processing);

*Paragraph 6.1.

(3) Joint Registrar (Consumers, including Spinning Mills and Housing Societies);

(4) Joint Registrar (Lift Irrigation);

(5) Joint Registrar (Industrial Co-operatives, including Forests and Fisheries);

(6) Joint Registrar (Credit);

(7) Joint Registrar (Administration).

17.42. With the recommendations already made for larger devolution of powers to the District Deputy Registrars, the functions could be rationalised in the following manner. At the State level the department would be responsible for:

(*a*) Advising Government on policy matters connected with all categories of co-operative societies;

(*b*) Planning, budgeting and collection of all statistical data;

(*c*) Framing model bye-laws and amendments thereto;

(*d*) Registration of Apex Federations, attending important meetings of such Federations and giving them guidance;

(*e*) Ensuring that the Department functions efficiently at all levels, including therein control of the establishment;

(*f*) Processing of cases for financial assistance where administrative sanction of Government is required;

(*g*) Statutory revision of the orders issued by the Joint Registrar.

The remaining functions now being performed at the State level would be handled at the various other levels on the basis of the recommendations already made.

17.43. In this connection, the following points may be noted:

(*a*) Sugar factories are registered at the State level on the ground that they involve large financial outlays. Once model bye-laws have been framed, there is extremely limited discretion with the Registering Officer and there should be no objection to the District Deputy Registrar exercising powers of registration. He could similarly exercise all statutory functions with regard to sugar factories since powers of revision are anyhow at the divisional level. There seems little danger of the District Deputy Registrar misutilising his powers to the detriment of these institutions since the sugar factory leadership can make itself felt at the State level. On a similar argument, there would be no objection for registration of spinning mills at the district level. The delegation of powers of registration and all statutory functions connected with sugar factories and spinning mills at the district level would

have the positive advantage of enabling quicker decisions, since these factories are scattered throughout the State and the office of the Deputy Registrar would be closer to the institutions concerned.

(*b*) There seems little justification for a Joint Registrar for Lift Irrigation at the State level. At present the Joint Registrar individually processes all cases at Government level and chases them from department to department in the Sachivalaya, until final approval is obtained. This only supports Parkinson's thesis that "Work expands so as to fill the time available for its completion" It has been earlier recommended that all schemes for Lift Irrigation to be implemented through societies should be technically prepared by the engineers of the Irrigation and Power Department in the districts. It has further been recommended that all disbursements of funds should be effected at the district level. The State level would be merely required to submit proposals to Government for sanction, issue orders and handle such correspondence.

17.44. In the light of the preceding discussion, supervision, registration and statutory action with regard to co-operative societies should be largely handled at the district level and supervision over the district level working would be the responsibility at the divisional level. The limited functions remaining at the State level would not require a Registrar supported by seven Joint Registrars. In fact, the total number of Joint Registrars could be easily reduced to three. The actual distribution of work could be decided by the Registrar himself but a possible distribution of work would be as follows:

(*a*) Audit;

(*b*) Sugar Factories, Spinning Mills, Industrial Co-operatives;

(*c*) Finance, Marketing, Dairy, Forests, Consumers and other Co-operatives.

It has been considered whether a Joint Registrar would be required to assist the Registrar for administration. It is seen that though there is a Joint Registrar for administration today, the actual task relating to the establishment matters is being handled in the Registrar's office by a Deputy Registrar. The Joint Registrar (Administration) only handles miscellaneous matters and issues connected with the amendment of the Act. Miscellaneous items could well be handled by others. General rs and i rtant matters connected with the enactment of t sho the responsibility of the Registrar himself.

17.45. The Joint Registrars in the Commissioner's office should be assisted by a number of Deputy or Assistant Registrars, one for each of the subjects being handled by the said Joint Registrar. This staff will assist the Joint Registrar not only in dealing with policy issues and routine administration but will be expected to attend on his behalf many of the meetings at which his presence is required. On the basis of this principle, the revised pattern for the office of the Registrar and Commissioner (Co-operation) is as shown in Annexure 15.

Machinery for Arbitration

17.46. I will now turn to an important part of the Co-operative Department, viz., the machinery set up for dealing with disputes under the Maharashtra Co-operative Societies Act, 1960. According to the scheme of the Act, the Registrar used to appoint Nominees under section 93 of the Act to deal with the disputes specified in section 91. But the arrangement was found to be unsatisfactory and since 1966-67, Government has started appointing persons to assist the Registrar under section 3 of the Act for dealing with the aforesaid disputes. The powers of the Registrar under sections 91 (2), 92 (3), and his power under section 93 in so far as it relates to the power to decide the dispute himself, and those under sections 94, 95 and 96 of the Maharashtra Co-operative Societies Act, 1960 and rules 77 (2) to (5), 78, 79 and 80 of the Maharashtra Co-operative Societies Rules, 1961, have been conferred on these persons (who, in departmental parlance, are referred to as Officers on Special Duty).

17.47. The following table shows the receipts and disposal of applications by the eleven Nominees in Greater Bombay during 1969 :

Cases outstanding on 1st January 1969	...	443
Cases received during 1969	...	1,880
Total receipts	...	2,323
Cases disposed of during 1969	...	900
Cases outstanding on 31st December 1969	...	1,423

Of the 1,423 outstanding cases as on 31st December 1969, 987 cases were pending under section 91 (2) and the remaining, i.e., 436,

under section 96. The District Deputy Registrar himself has observed that the number of pending cases is increasing from month to month and that the replacement of Nominees by Officers on Special Duty has not brought about the expected improvement in disposal. He attributes this to insufficient accommodation which prevents the Officers on Special Duty from working full time.

17.48. In his order No. ADM/ABN/29 (Fees), dated the 5th April 1968, laying down the scales of arbitration fees and expenses, the Commissioner for Co-operation directed that the expenses of the Nominees such as stationery, clerical work, etc. should be met from the amounts recovered from the parties by way of arbitration expenses. The scales of arbitration expenses were subsequently modified by the Commissioner for Co-operation under his Orders No. ADM/ABN/20 (Fees), dated the 4th January 1969 and 11th July 1969. In paragraph 2 of the Order dated the 4th January 1969, it was directed that the arbitration expenses recovered from the parties should be paid to the Nominees "as expenses to defray their expenses on account of the stationery, postage, clerks, etc." The District Deputy Registrar, Bombay, is not observing the latest orders. He has made two references to the Commissioner for Co-operation requesting him to permit him (the District Deputy Registrar) to effect recoveries and make payments according to the orders of 5th April 1968. However, there are no orders from the Commissioner allowing him to do so Whatever that be, the fact is that the District Deputy Registrar, Bombay, is not reimbursing the Nominees for expenses incurred for clerical assistance, stationery, etc., though clearly he is required to do so under the orders of the Commissioner. Instead the Deputy Registrar has arrived at an arrangement with one of the Nominees under which 5 clerks and 5 attendants are appointed by the Deputy Registrar for all the Nominees. There is next to little supervision over these clerks and attendants who are supposed to be under the control of the aforesaid Nominee. Stationery, postage, etc are in charge of the Nominee referred to who is himself not a full time officer either. The other Nominees are greatly inconvenienced and are not reimbursed for expenses incurred for even stenographer's and typist's assistance for taking orders dictated by them and getting them typed. Besides, the clerks and attendants appointed for the Nominees are not regarded as Government servants. In fact, no posts have been created by any competent authority; the Deputy Registrar himself appears to have determined their number and the *ad hoc* emoluments to be paid to them. The appointments are made by one of the Nominees without regard to Recruitment

Rules and minimum age and educational qualifications for Class III and Class IV staff.

17.49. Five clerks have been engaged for the 10 Nominees and each clerk is supposed to attend to the work of two Officers on Special Duty. A clerk's main duties are (i) to prepare and issue summonses and notices as per instructions of the Nominee; (ii) to maintain the diary and daily board of the Nominee; (iii) to attend hearings for assisting the Nominee; (iv) to prepare and submit to the Nominee the monthly statement of pending cases; and (v) to keep the record.

17.50. The study of the working of the clerks indicated: (i) that *most of them are inexperienced and do not know court and* office procedures; (ii) that the register of cases and other record are not properly maintained; (iii) that the reopening of cases adjourned *sine die* is not properly attended to; and (iv) that in the absence of a supervisory official such as a Head Clerk or Superintendent, the clerks function more or less independently, as it is not possible for the Nominees to see whether or not the instructions given by them about the issue of summonses, notices, reopening of adjourned cases, etc. are carried out.

17.51. The working of the scheme has also suffered from shortage of accommodation which prevents the Nominees from working full-time. Another complaint was that there was always a shortage of stationery.

17.52. A party referring a dispute for arbitration is required to pay an initial deposit as per rates prescribed in paragraph 3 of the Commissioner's Order dated the 5th April 1968. These deposits are credited to the Personal Ledger Account of the District Deputy Registrar. The expenses on account of arbitration fees of the Nominees, clerical establishment, stationery, postage, accommodation, etc. are met from the Personal Ledger Account. On 30th September 1969, the balance in the Personal Ledger Account of the District Deputy Registrar, Bombay, was Rs. 4,43,496·10. This amount included, besides initial deposits from the parties, amounts deposited by parties as per orders passed by the Co-operative Tribunal. The Personal Ledger Account was last audited in 1956 by the audit party of the Divisional Joint Registrar, Bombay. It is necessary to ensure regular audit of the Personal Ledger Account.

17.53. The *office of the* District Deputy Registrar, Bombay maintains about 10 different registers in connection with the

scheme. The Commissioner for Co-operation has not prescribed any standard registers. In the registers maintained by the District Deputy Registrar's office there is overlapping of the information between two/three registers. The Allotment Register, Personal Ledger (Nominee-wise) and Deposit Register contain common information for at least 6 items. These registers need, therefore, to be suitably combined with a view to avoiding overlapping and duplication. *A review of the registers to be maintained under the scheme should be carried out and standard registers prescribed.*

17.54. The Registrar deals with the revision applications on decisions given by the Nominees under section 91 (2). Between 1st July 1968 and 31st December 1969, the office of the District Deputy Registrar, Bombay, forwarded to the Registrar proceedings relating to 50 revision applications. The figures of disposal are as follows :

Proceedings forwarded		Applications disposed of till December 1969	Outstanding as on 31-12-1969 from the applications received during 1-7-1968 to 31-12-1969
Between 1-7-1968 and 31-12-1968 :	15	2	13
Between 1-1-1969 and 30-6-1969 :	16	8	8
Between 1-7-1969 and 31-12-1969 :	19	7	12
Total ...	50	17	33

It is clear from the table that the Registrar has not been able to deal with Revision Applications expeditiously.

17.55. The Department itself appears to have observed that the present system suffers from the following defects and short-comings :

(i) Some of the Nominees are retired officers, who do not have sufficient legal background to deal with complicated cases ;

(ii) In places like Bombay and Poona, inadequate accommodation for the Nominees has resulted in delay in disposal of cases ;

(iii) The Nominees do not enjoy the status of Courts with the result that they cannot work with necessary dignity and respect as adjudicating officers ;

(iv) The rule which requires that arbitration cases should be disposed of within two months has remained on paper only, as adjournments have been given by the Nominees on the s ' t pretext and flimsy grounds.

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(iii) The Nominees do not enjoy the status of Courts with the result that they cannot work with necessary dignity and respect as adjudicating officers;

(iv) The rule which requires that arbitration cases should be disposed of within two months has remained on paper only, as adjournments have been given by the Nominees on the slightest pretext and flimsy grounds.

17.56. Some of the defects can be removed or minimised if the following action is taken :

(1) The house-keeping and ministerial functions of the Nominees should be entrusted to the Deputy Registrars who should be held responsible for safe custody of papers, issue of notices and summonses, typing, stenography, etc.

(2) Requisite full-time staff of stenographers, clerks, peons, etc. should be sanctioned and only those with the prescribed qualifications should be appointed thereto.

(3) An Office Superintendent should be appointed who would be directly responsible for supervision over this Branch and the Deputy Registrar will exercise his control through him.

(4) Suitable accommodation should be provided for the number of Nominees required to function. (It is inevitable that if, say, twice the number of Nominees than can be accommodated full-time is appointed, each could work only half-time; in which case, it is no fault of the system that the output of each is only commensurate with the time he puts in).

(5) Regular audit of the Personal Ledger Account of the District Deputy Registrar, Bombay by the Divisional Joint Registrar should be ensured.

(6) A review of the registers to be maintained under the Scheme should be carried out and standard registers prescribed.

17.57. In the mofussil, in centres like Poona, Nagpur, etc. where several Nominees are functioning, similar arrangements should be made for their ministerial and house-keeping functions. In places where only one nominee is functioning, the ministerial and house-keeping functions may be performed by the usual staff of the Deputy or Assistant Registrar at the place.

17.58. Wherever stenographer's facility cannot be extended to the Nominees for taking dictation and typing Orders, a suitable stenographer's allowance on a per page basis may be sanctioned to them while the rest of the house-keeping and ministerial functions are arranged for as suggested.

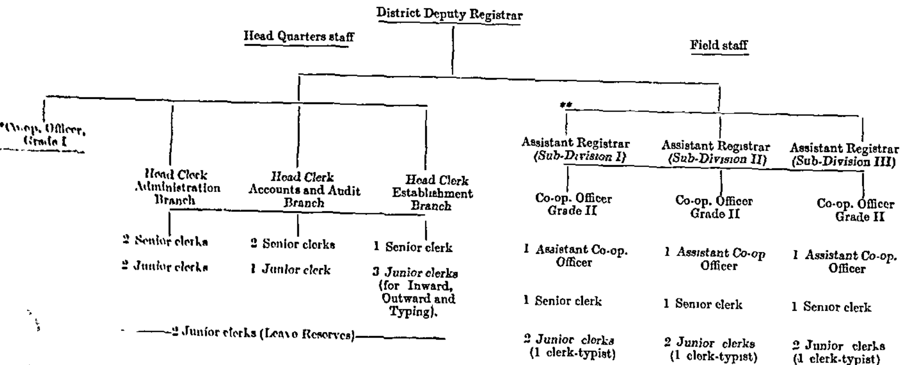
17.59. It is understood that the replacement of such Nominees by full-time Courts is under consideration. Such a system would be welcome even if it may involve extra expenditure to Government.

ANNEXURE 13

(*Vide* para. 17.32)

Proposed Organisational Chart

Office of the District Deputy Registrars and Assistant Registrars of Sub-Divisions



(i) *For Bombay and B. S. D., Poona and Nagpur Districts, Assistant Registrars should be provided in place of Co-op. Officers.

(ii) **The number of Sub-Divisions in a District will be equal to the number of Revenue Sub-Divisions in the District.

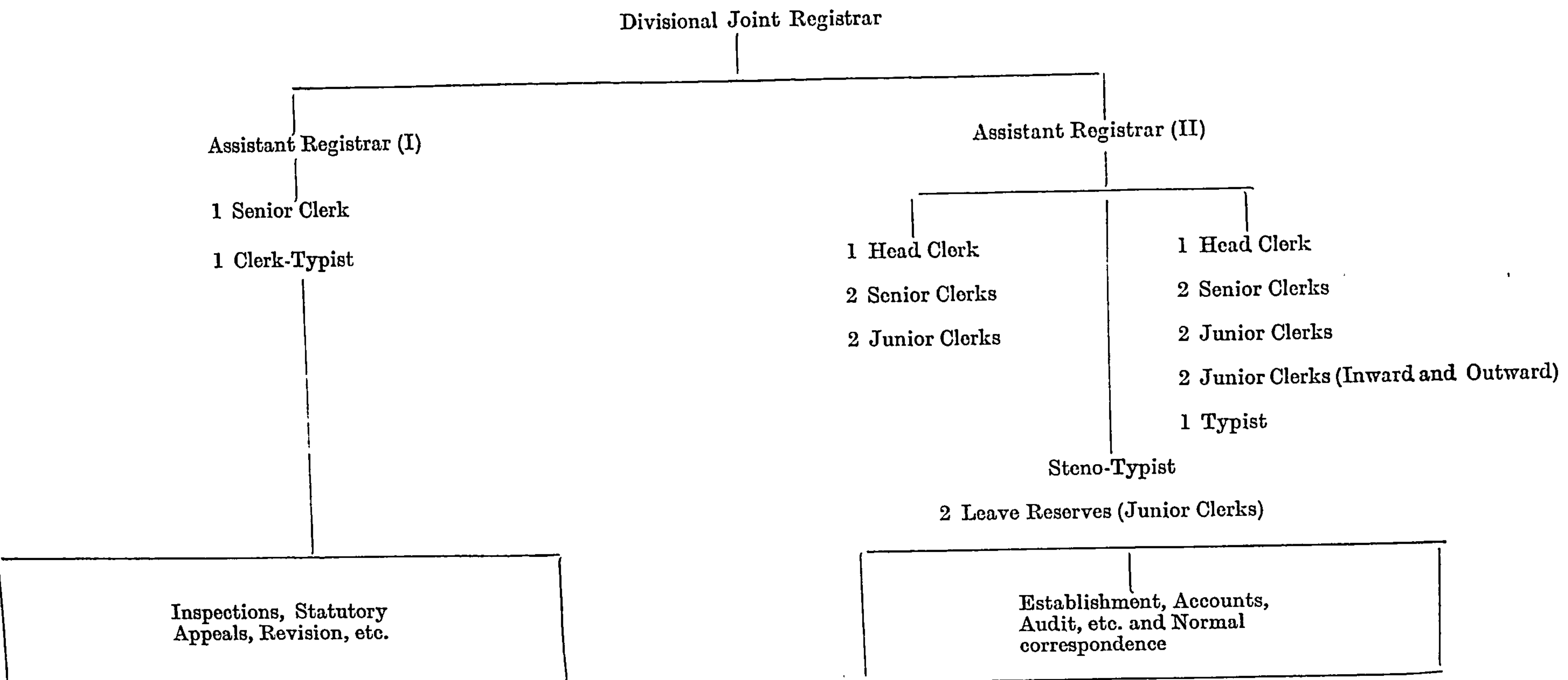
(iii) The posts of Assistant Registrars and other posts, cost of which is met by outside institutions or agencies, e.g., Assistant Registrars (Land Development Bank), Assistant Registrars (Recoveries), etc., are excluded from the Chart. Such posts will be in addition.

ANNEXURE 14

(*Vide* para. 17.39)

Proposed Organisational Chart

Office of the Divisional Joint Registrar, Co-operative Societies, Poona Division



)

ries and

Deputy Registrar (EST)

Deputy Registrar (IND)

Deputy Registrar (ADM)

Statistician

Accounts Officer

Assistant Statisticians (5)

Assistant Registrar (PLAN)

Asstt Acc. Officer

(10) Establishment matters of own and subordinate offices.

(11) Audit objections.

(12) Functions assigned under the Secondary Schools Code.

18.3. On the basis of the existing workload, the noting staff consisting of a head clerk, a first grade clerk, 2 senior clerks and 6 junior clerks is adequate to meet the requirements of the office of the Regional Deputy Director, Poona Region, which was examined by the Work Study Team. The question for consideration is how far the work being done in the Regional offices could be transferred to other agencies. The different topics being dealt with in the Regional office are considered below.

Teachers' Training

18.4. The existing training facilities in the State are as follows:

	No.	*Capacity*
(1) Pre-primary Training Colleges ...	11	1,000
(2) Government Junior Colleges of Training	60	10,420
(3) Non-Government Junior Colleges of Training.	92	14,550
(4) Government Secondary Colleges of Education.	12	1,010
(5) Non-Government Secondary Colleges of Education.	20	2,330

It is understood that all those primary teachers who were in service on the 31st March 1968 have been sent for training. Even if all the teachers in service are thus trained and no untrained primary teacher is employed hereafter, the need to provide in-service training for teachers would continue with developments in educational techniques and changes in syllabi. Such training will have to be a continuous process and the Training Institutions would continue to be required.

18.5. The activity is two-fold:

(i) Training of candidates leading to a Primary Teacher's Certificate, which is the minimum qualification required for recruitment of fresh Primary School Teachers.

(ii) In-service training of trained Primary Teachers.

18.6. With regard to the former aspect, the existing primary schools cover nearly all the school-going children; expansion in the number of primary schools is not expected to be beyond 5 per cent. per annum. The actual replacement of school teachers without

expansion would be between 4 and 5 per cent. To the extent the Family Planning Programme succeeds, there would be a corresponding fall in the rate of primary school-going population. The total training facilities required in Maharashtra would, therefore, be equivalent to about 10 per cent. of the existing number of school teachers, *i.e.*, about 17,000 per annum. The private sector training institutions today provide for about 14,550 candidates and it would be quite possible for these institutions to meet the complete requirements of training facilities for primary school teachers. Government can, therefore, safely withdraw from this field.

18.7. The second aspect is that of provision of in-service training. The question whether in-service training facilities should be transferred to the Zilla Parishad or should remain in the State sector has been considered. It is felt that in the interest of uniformity of standards of teaching, it is desirable that in-service training should be handled in the State sector. A limited number of the existing 60 Government Junior Colleges might, therefore, be continued specifically for meeting the requirements of in-service training on the basis of a well thought out programme. These should be evenly distributed over the different districts of Maharashtra.

18.8. In the case of training facilities for secondary school teachers, the existing Government and private colleges have a capacity to train about 3,300 teachers. The total number of untrained secondary school teachers is about 18,000. The existing training colleges would, therefore, be exclusively occupied in post-recruitment training to untrained teachers. We have also to think of adequate facilities for training to new teachers before they are appointed, as training is an essential qualification for recruitment of a secondary teacher. Besides, continuous expansion in secondary education has also to be catered for. But the Department proposes to establish six more institutions for the purpose of giving in-service training to trained teachers. The present facilities are *prima facie* inadequate, and would require considerable multiplication. The Department will have to consider their expansion in the light of the available resources in a phased manner. The establishment of Secondary Training Colleges, whether by Government or by aided Institutions, should remain a subject in the State sector.

Administration of Training Colleges

18.9. With regard to the Government Junior C[illegible] of F[illegible] which would be required to be continued for [illegible] —

and the Government Colleges of Secondary Education, though it is advised that they should remain in the State sector, it would not be feasible for the Director at the headquarters to administer all these institutions. It is desirable that the administration of these institutions should be continued to be decentralised and should be handled by the Regional Deputy Director.

National Cadet Corps Units and their Administration

18.10. There are about 132 National Cadet Corps Units in the State as shown below:

			No.
1.	Greater Bombay	...	... 26
2.	Bombay Division	...	... 10
3.	Poona Division	...	.. 46
4.	Nagpur Division	...	... 38
5.	Aurangabad Division	..	... 12
		Total No.	... 132

Currently about 1,300 Class III and Class IV servants are working in the offices of these units. In the Poona region alone, the number of persons working in the units was around 500. All work relating to their appointments, transfers, disciplinary action, increments, etc. is attended to in the Regional office. As National Cadet Corps units are mainly located in Colleges, which in turn are mainly located in urban areas, it would not be appropriate to transfer the work relating to National Cadet Corps to the Zilla Parishads, nor would it be expedient to centralise the work at the level of the Directorate of Education. It, therefore, seems advisable to retain the work in the Regional offices.

Grant-in-aid Work

18.11. Grants-in-aid to the following institutions are at present being released at the Divisional level :

(a) Junior Training Colleges,

(b) Practising Schools,

(c) Ashram Schools,

(d) Hindi Shikshak Sanad Institutions,

(e) Special Schools like Sanskrit Pathshalas, Vedic Schools etc.,

(f) Sports Associations.

The Zilla Parishad is at present sanctioning grant-in-aid to secondary schools on the basis of the Grant-in-aid Code. Once the basis for sanction of grant-in-aid is determined in the case of these other institutions, there is no reason why the Zilla Parishad should not sanction grant-in-aid to the said institutions also. It may be further noted that the programmes for Tribal Development Schemes have been devolved on the Zilla Parishad, and therefore, there should be no objection to the Zilla Parishad implementing schemes connected with the welfare of the Scheduled Castes and other Tribes. It is, therefore, recommended that the grants-in-aid to the aforesaid institutions be released through the Zilla Parishads.

Inspections of Municipal School Boards

18.12. At present, the Regional Deputy Directors inspect the offices of the Municipal School Boards. Before the coming in of the Zilla Parishads, the Education Inspectors of the districts were inspecting these offices as well as the offices of the much bigger District School Boards. Under the circumstances, it does not appear to be necessary to have the inspection done at the regional level. These inspections could be entrusted to the Education Officer of the Zilla Parishad, who functions at the district level and whose services could be requisitioned for this purpose. The Education Officer should also deal with the audit objections raised by the Local Fund Audit and for this purpose, he should be given the necessary authority which the Education Inspector had in the past.

Pension cases of Secondary Teachers

18.13. Government has recently sanctioned a scheme for granting pensions to secondary teachers. The pension papers are to be prepared by the schools concerned and scrutinised by the Parishad Education Officer. Preparation of pension papers of such teachers would be a complicated task. While scrutinising the pension papers, the Zilla Parishad office will have to ensure that the pension has been correctly calculated, that all papers are complete and all the formalities have been duly observed. Even if the Regional Deputy Director is now the sanctioning authority, the main scrutiny is done in the office of the Education Officer of the Zilla Parishad and this is inescapable. As such, the Education Officer should be the sanctioning authority and an additional higher level for mere sanction is superfluous. This work should be transferred to the Education Officers of the Zilla Parishads, with powers of appeal, revisi[illegible] to [illegible] Regional Deputy Director.

Secondary Schools

18.14. At present, the Secondary Schools are required to be recognised under the Grant-in-aid Code. The conditions for recognition are laid down in Rule 3 of Chapter II of the Code. In order to enable students of Secondary Schools to sit for the final examination being conducted by the Secondary School Board, the said schools are required to be recognised by the Board under Regulation 19 (1) of the Maharashtra Secondary Education Boards Regulations, 1966. The conditions for such recognition are laid down under Regulation 19. There is no significant difference in the conditions of recognition as laid down under the Grant-in-aid Code and those under the Maharashtra Secondary Education Boards Regulations. It seems unnecessary to require recognition by the Board for permitting a student to sit for the examination when the institution has already been recognised by the Department earlier for teaching that student. The Secondary School Certificate Examination Board does not have an independent machinery for inspecting the schools and obtaining the report which can form the basis for such recognition. The Board itself relies on the machinery of the Education Department. Duplicate performance by the Board and by Government serves no useful purpose. The question is, if there is to be a single authority for such recognition, whether it should be the Government or the Board. Since recognition is a condition precedent to the release of grants under the Grant-in-aid Code, it would not be appropriate for such recognition to be conferred by an authority which does not foot the bill. Therefore, the single authority for such recognition could appropriately be the Government. The regulation, under which the Secondary School Certificate Examination Board is required to grant fresh recognition to a school, which has already been recognised to teach the students in order that those students may appear for its examination, can well be deleted.

Recognition to Secondary Schools

18.15. A further question then would be whether this function of granting recognition to Secondary Schools should be devolved to the district level, or should remain at the regional level where it is, or whether it should be further centralised and brought up to the State level. Today, under the rules, the power of granting recognition vests with the Regional Deputy Director. Recognition has to be preceded by grant of permission to open new schools. This permission also is within the competence of the Regional Deputy

Director. But, in view of the pressures that develop in almost every case before it is decided by the Regional Deputy Director, the matter comes up to the level of the Minister. Informal discussions are held after which the decision is formally communicated by the Regional Deputy Director. In effect, the Regional Deputy Director is unable to exercise unfettered discretion on the merits of each case by application of his own mind and the norms laid down by Government and also the policy laid down by Government. It does not seem that this subject is of such importance that every decision has to be taken at the level of Government or that objective decisions on the merits of each case would be ensured only if such decisions are taken at the level of Government. On the other hand, opening of a new school in response to a felt local need would seem appropriately within the province of Panchayati Raj institutions, which are created specifically to cater for development at the grass roots. Government may well prescribe the norms required to be followed and the pattern of development in the matter of location of new schools for a particular region. Subject to these norms and within the approved pattern, the Zilla Parishads should be free to exercise their authority. In cases where the Zilla Parishads consider that there is sufficient justification to depart either from the norms or from the pattern, they may be required to obtain the prior approval of Government before giving sanction. The same should apply to schools to be started by the Zilla Parishad as its own schools.

18.16. Consistently with the aforesaid recommendation, the authority to sanction the opening of higher standards; levy of penalties under the Secondary Schools Code including withdrawal of partial or total recognition; sanction to change in management; and reduction in maintenance or Economically Backward Classes grants of schools on the basis of audit reports, may be delegated to the Parishad Education Officer with provision for appeal and revision to the Regional Deputy Director of Education. The Regional Deputy Director may also be given overriding authority for exercising these powers. The power to authorise changes in curricula should vest with the Secondary School Board only, since it should be that Board which should sanction the curricula. For the termination of employment of Secondary teachers where sanction is required under the Code, in order that the matter may be dealt with without local pressures being brought into play, it would be appropriate that the sanctioning authority should continue to be the Regional Deputy Director rather than the [illegible] Officer at the District level. Similarly, where [illegible]

of promotions are required or changes in such rules are to be made, they should be sanctioned by the Regional Deputy Director.

Transfer of Work to Zilla Parishads

18.17. The main topics that are being dealt with in the office of the Regional Deputy Director have been indicated earlier. It has been recommended that out of those topics, the following subjects may be transferred to the Zilla Parishads :

(1) Grants-in-aid to—
- (*a*) Practising Schools.
- (*b*) Ashram Schools.
- (*c*) Hindi Shikshak Sanad Institutions.
- (*d*) Special schools, sports associations, Hingne Stree Shikshan Sanstha.

(2) Inspections of Municipal School Boards.

(3) Pension cases of Secondary teachers.

(4) Some functions assigned to the Regional Deputy Director under the Secondary Schools Code.

Workload of Education Officer

18.18. In effect, each Zilla Parishad may have to deal with the grant-in-aid work of one or two ashram schools, one Hindi Shikshak Sanad institution, 3 to 4 practising schools and 2 to 3 sports associations or special schools, etc. The additional workload on account of inspection of the offices of Municipal School Boards also will not be much, as the Education Officer of each Zilla Parishad may have to inspect the offices of one or two Municipal School Boards only. As for pension cases, there will not be any increase in the existing workload. The only difference will be that the pension will be sanctioned by the Education Officer instead of by the Regional Deputy Director, and only appeals will lie with the Regional Deputy Director.

18.19. It is, therefore, felt that though the workload of the Education Department of the Zilla Parishad would increase to some extent as a result of the foregoing recommendations, the additional work can be conveniently managed by the staff suggested for that department. As regards the increase in the work of the Education Officer himself, since it is proposed to afford him some relief by creating additional posts of Deputy Education Officers, it appears that the Education Officer should be able to absorb the additional workload.

Workload of Regional Office

18.20. As regards the regional office, the revisionary powers in respect of most of the functions assigned to the Zilla Parishads would continue to vest in the Regional Deputy Director. The reduction in the workload of the regional office would not be such as to warrant a sizable reduction in its staff. At the most, one post of Junior Clerk can be reduced from the existing noting staff of each regional office. In the office of the Regional Deputy Director, Poona Region, for example, the staff should be as follows :

Existing staff	*Recommended staff*
1 Deputy Education Officer	1 Deputy Education Officer.
1 Head Clerk	1 Head Clerk
1 First Grade Clerk	1 First Grade Clerk
1 Senior Clerk-*cum*-Accountant	1 Senior Clerk-*cum*-Accountant
1 Senior Clerk	1 Senior Clerk
8 Junior Clerks	7 Junior Clerks
(6—Noting	(5—Noting
1—Inward-Outward.	1—Inward-Outward.
1—Steno-typist).	1—Steno-typist).

State Level

18.21. The Directorate of Education presents an example of a pattern of administration which could be described as "curiouser and curiouser". The Directorate functions not only with its own set of officers but also through a number of autonomous or semi-autonomous bodies with varying degrees of independence in which no hint of a coherent pattern is visible The following is the list of such organisations which are closely connected with the Directorate of Education :

(*a*) State Board of Secondary Education ;
(*b*) State Institute of Education ;
(*c*) State Board of Teacher Education ;
(*d*) State Institute of English ;
(*e*) State Institute of Science Education ;
(*f*) State Bureau of Text-Book Production and Curriculum Research ;
(*g*) The Bureau of Government Examinations ;
(*h*) The State Evaluation Unit ;
(*i*) The State Institute of Vocational Guidance and Selection ; and
(*j*) The State Institute of Audio-Visual Education.

The Boards of Secondary Education

18.22. Of these, the State Board of Secondary Education is a statutory body working to a large extent independently of the Directorate. Its only connections with the Directorate are that the Chairman of the Board is also entrusted with certain functions in the Directorate and the Director himself is a Member of the Board. Evidently for considerations of protocol, since the Chairman of the Board is an officer junior to the Director, the Director is allowed to make his presence on the Board felt through a nominee instead of in person. The State Board has been set up to deal with policy matters pertaining to Secondary Education, and it is intended to bring about a uniform pattern of Secondary Education for the State and determine guiding principles for secondary courses etc. The Divisional Boards which are subordinate bodies to the State Board are principally examining bodies, who also have academic functions such as prescription of syllabi, text-books, recognition of schools, etc.

Approval of Text-Books

18.23. The procedure followed by the Divisional Boards and the State Board in the approval of text-books has all the characteristics of a steeple chase where the number of stages through which the text-book has to pass before it emerges triumphant is legion. Thus, a text-book which is intended to be prescribed for standards other than the final standard is first sent to a number of reviewers, whose recommendations are considered by the Committee of Courses of the Divisional Board and then, in turn, by the Academic Committee and the Standing Committee of the Divisional Board and then by the Divisional Board itself. Mercifully, the rejections are not considered further, but the books which have successfully gone through the ordeal are then decided further through scrutiny by the Board of Studies, the Academic Council, the Executive Council of the State Board and then, as a grand finale, by the State Board itself. Books intended for the final standard are, however, treated in a more cavalier fashion as they are required to go only through a mere five stages as against about eleven which are required for the books intended for the lower standards. These consist of a set of Reviewers and then the Board of Studies, the Academic Council, the Executive Council and the State Board itself. The reasons why the books intended for the lower standards should require eleven stages of scrutiny while those for the highest standard require only five stages are beyond comprehension. No doubt, the larger the number of agencies which scrutinise, the more diffused would be the responsibility and Government

would be hard put to it to find another Dhongde. It is commonplace, but since it does not appear to have been observed it requires to be stated, that there is a close relationship between the books to be prescribed for the final standard and those to be prescribed for standards leading up to it. The syllabi for all the standards are laid down by the State Board and the course of studies that must be followed must present an integrated pattern in which the books to be taught in different standards should bear a proper relation to each other. The methods of presentation of the subject in all the books should be common so as to achieve the final objective in an integrated fashion. Therefore, it seems to be obvious that the work of approving of text-books for all standards will have to be done by the State Board. Once this is accepted, there would appear to be little logic in having the Divisional Boards following a separate procedure in respect of books other than the books for the final standard. It would, therefore, be proper if approval of all books is made subject to a common procedure and is made the responsibility of the State Board alone. This will also eliminate the possibility of an unedifying spectacle of a clash of opinion between one Divisional Board and another. An instance of this nature is being agitated in the law courts. The number of stages of scrutiny could also be considerably reduced. The Reviewers should include an Expert on the teaching of the subject who has a grasp of the requirements of the syllabus at the several stages leading to the final stage. He should be required to review the book not only by itself but in relation to the objectives it can serve in an integrated pattern of teaching. The review should be detailed and contain the specific recommendations on such of the points on which the reviewer's opinion is wanted. The present rules provide that ordinarily a book would be reviewed by two reviewers. These two reviews could be considered by the Board of Studies whose recommendation would then be considered by the State Board itself. The State Board should lay down proper guide-lines both for the reviewers and the members of the Board of Studies so as to ensure that the scrutiny of the book in all essential aspects is complete by the time the book reaches the Board. The aforesaid observations have been made as the State Board of Secondary Education is an integral part of the machinery of Government for formulation and implementation of its policy on Secondary Education. Since, however, the detailed functioning of the State Board does not form part of the terms of reference, the further action required by way of amendment of Statutes or otherwise, is not commented upon.

The State Board of Secondary Education

18.24. Today, the State Board of Secondary Education is functioning largely independently of the Directorate of Education, but the Directorate is not completely relieved of its responsibility regarding Secondary Education. In the sphere of recognition, even in respect of higher standards leading up to the final year of the Secondary School, there is a certain amount of duplication and lack of co-ordination. The machinery of inspection is at the District level. The reports of the same machinery are utilised by the Directorate as well as by the State Secondary School Board for exercising their authority. This aspect has been dealt with earlier. The Secondary School Board may be absolved of the responsibility for granting permission to schools already recognised, for sending pupils for the S. S. C. Examination.

The State Institute of Education

18.25. Coming now to the State Institute of Education, when creating this Body in 1963 (vide Government Resolution, Education and Social Welfare Department, No. PTC-1063-A, dated 29th October 1963), Government seems to have had in mind only the improvement of Primary Education by providing for in-service training to Inspecting Officers dealing with Primary Schools and the staff of Training Institutions for Primary teachers. The Institute was also expected to conduct studies in the training of primary teachers and look into the problems of primary education in general. It is clear that its attention was to be focussed on various problems connected with primary education. In the Book "Educational Development in Maharashtra State" brought out by the Education and Social Welfare Department in 1968, it has, however, been stated that the State Institute of Education is the academic wing of the Directorate and the scope of the Institute has been stated to cover a very much wider field than primary education. The range of activities now envisaged seems to cover the whole spectrum of school education and teacher education, that is to say, practically the whole field of activity of the Directorate itself. The Institute has also been charged with the responsibility of assisting the State Education Department in the preparation and implementation of the educational plans.

18.26. The exact orders of Government under which this metamorphosis of a limited Institute into an all-pervasive Institution which, at first sight, would seem to render even the Directorate superfluous, took place, have not been made available to us. The fact, however, seems to be that the State Institute of Education has been built up

in a fit of absent-mindedness into a far more gargantuan institution than its creators would have decided upon on a conscious application of mind. The question is whether such an institution functioning as the 'academic wing' of the Directorate is necessary. As the Director will continue to remain as the Adviser to Government in the formulation of policy and the Administrator for the implementation of such policy on approval, it would not be proper to create an organisation which would tend to bypass the Director as it appears to have done on occasions. There is a role for the State Institute to play but this is a narrow one, viz., functioning more or less as a Staff College for the Directorate. In addition to this function, the State Institute of Education could also be expected to address itself to special problems referred to it by the Director for expert study and advice. The preparation of educational plans and implementation of programmes would be functions for which responsibility has to be wholly of the Director; and of which he cannot be divested nor which he can share.

18.27. It is, therefore, recommended that the State Institute of Education should not function as an 'academic wing' of the Directorate. Instead, it should take upon itself only the functions of training and research on problems of immediate interest to the Education Department. Problems like "Ideal Diet for the pupils in Government Public School, Aurangabad, and its effect on their physique," and "Effect of Protein Biscuits on health of pupils in primary schools in extension areas" are best left to be tackled by the Public Health authorities at appropriate levels with the assistance of Nutritional Experts.

The State Board of Teacher Education

18.28. The State Board of Teacher Education is primarily intended for achieving an integrated planning and development of Teacher-Training Programmes at all levels in the State. The Board was established on the advice of the Government of India in January 1967, under a 100 % Centrally sponsored scheme. The rationale for the establishment of the Board is that the teacher-training programmes at the Secondary and Primary/Pre-Primary levels have hardly any inter-relationship, the former being controlled by the University and the latter by the Education Department. Until the pre-primary and primary teacher education institutions are upgraded to collegiate standard, an organisation to bring the Department and the Universities together for formulation of policies for the tea education programme is necessary.

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resources like Libraries, Hostels, Laboratories, as well as human resources like administrative, accounts and other office staff are utilised to the optimum extent. Having the training programmes under one umbrella would help exchange of ideas and co-ordination between specialists on different subjects. It is, therefore, recommended that the State Institute of English and the State Institute of Science Education should be merged with and function as a part of the State Institute of Education. The release of grant-in-aid for science equipment could be handled by the Accounts Section of the Directorate and the verification of the use to which the equipment is put could be left to the normal inspecting staff in the districts. The State Institute of Education could itself offer guidance both to schools for purchase of equipment and to the inspectorial staff for verification of its use.

18.31. From the correspondence exchanged between the Education and Social Welfare Department and the Education Directorate, it appears that the Secretariat Department has come to the conclusion that there is considerable scope for reduction in the staff of the State Institute of Education. A special review for assessing the workload and for arriving at the minimum requirements of staff was intended to be carried out by the Department, but this has not been done so far. The studies carried out by our Work Study Team also seem to indicate that there is considerable scope for reduction in the staff of the Institute even if it carries out the fairly wide spectrum of functions which it has appropriated to itself. Still further reduction would become inevitable if the State Institute of Education confines itself to the field which is appropriate for it as suggested earlier.

18.32. In this context, special mention needs to be made of the staff allocated for research and for statistics at the Institute. As far as can be seen, the only research the State Institute of Education need carry out as part of its functions would be on problems which are set by the Director. As the Secondary Training Colleges can be expected to carry out the work of guiding research students for M.Ed. and Ph.D. Degrees of the Universities, it would not be appropriate for this work to be duplicated in the State Institute of Education. The members of the staff of the State Institute of Education, who may be competent to guide research and who are recognised as such by the University, may be allowed to carry on such work in their individual capacity without detriment to the work of the Institute as such, but a clear demarcation needs to be

made between such activities of individuals and the activities and functions of the Institute. It is possible that the staff of the State Institute of Education may like to take up these activities in order to qualify for the University Grants Commission scales, but such considerations should not be allowed to play a part in defining the role of the State Institute. The proper course would be for Government to prescribe scales for these posts which would enable the drafting of suitable personnel, if necessary, from the Secondary Training Colleges. This may necessitate grant of University Grants Commission scales to certain personnel of the State Institute of Education, but this is a question beyond my purview.

18.33. With the role now envisaged for the State Institute of Education, it is no longer necessary for the status of the Director of the Institute to be linked to a post in the hierarchy in the Directorate. It is open to Government to define the status suitably in comparison with the status of Heads of similar Teaching and Research Institutions. Incidentally, the orders of Government designating the post of the Director of the State Institute of Education as *ex-officio* Joint Director of Education, present a curious spectacle of the Sachivalaya issuing instructions as to what part of the Director's functions should be performed by the Joint Director. This kind of tendency of the Sachivalaya to dictate to executive departments as to how they should distribute the work in their office among their junior officers is to be strongly deprecated.

The State Bureau of Text-Book Production and Curriculum Research

18.34. The Directorate of Education had always been executing the function of approving text-books. A similar power was exercised by the State Board of Secondary Education in Western Maharashtra as well as Vidarbha. The distribution of powers between the Directorate and the Board of Secondary Education was not uniform throughout the State. With the coming into being of the new State Board of Secondary Education, the powers of the Director to approve text-books have been confined to books intended for Standards I to VII, namely, the Primary standards. The State Board is charged with the responsibility of approving text-books for higher standards.

18.35. The State Bureau of Text-Book Production and Curriculum Research has been set up in 1967 as a Society under the Societies' Registration Act, 1860. The Members of the Bureau, as well as the members of its Board of Governors who are in charge

of the administration of the Bureau, are nominees of Government. The official members include the Minister of Education, the Director of Education, Chairman, Maharashtra State Board of Secondary Education, Director, State Institute of Education and the Director of the Bureau. These are common to the General Body of the Bureau as well as the Board of Governors. The non-official members who are also nominated by Government hold office for a period of three years or for such other period as may be designated by Government in the order of their appointment Amongst the functions of the Bureau are: production of text-books for all standards in the schools; production of other educational literature; and curriculum research. One of the functions is to advise and assist the Government and other appropriate authorities in all matters concerning the development and revision of curricula and of text-books, when called upon to do so The main objective of setting up the Bureau is to make available text-books and other educational publications at a fair and reasonable price.

18.36. It will be clear from the functions set out above that the Bureau, though nominally an organisation separate from the normal departmental set-up of Government, is in effect nothing but an arm of Government which is intended to carry out the policies of Government. Both the membership of the Bureau itself and the membership of its Board of Governors is subject to complete control by Government and it is inconceivable that the Board should function in any way other than as an implementing agency of the policies of Government. The *necessity for setting up such pseudo-autonomous bodies* to carry out what are recognised to be functions of Government would not arise except for the rigidity of financial procedures wedded to red tape and the unwillingness of Government to delegate adequate financial powers for the carrying out of productive activities. In the case of the Bureau, one of the main arguments for setting it up as a society was that it would not be able to function in a normal departmental set-up as it would be hamstrung by departmental procedures; and that the Finance Department, which could not agree to delegate the powers necessary to departmental authorities, would be willing enough to do so to the very same functionaries of Government if they could only function in the garb of a Society. This concern with form rather than with substance can have no logical justification. If I may venture to say so, it would have been appropriate if Government had delegated adequate powers *for production of text-books to a departmental Committee*, which could have included non-official members also e t

considered necessary. The whole exercise of setting up a body which is of Government but not in Government could have been avoided, along with the attendant problems of a separate set of staff, deputation of officers from Government, etc.

18.37. Even after the setting up of the Bureau of Text-Books, the Director of Education, who either used to prescribe the text-books for primary standards himself or advise Government on such prescription, continues to perform the same functions even in respect of text-books which may have been brought out by the Bureau. For this purpose, he is assisted by Committees of Experts and a Text-Book Branch continues to function in the Directorate as it used to do before the Bureau was established. Having regard to the set-up of the Bureau and the functions allotted to it under its Memorandum of Association, it would be appropriate if the function of advising Government regarding selection of text-books is wholly transferred to the Bureau. The duplication of the scrutiny in the Directorate serves no useful purpose. It may be argued that the Bureau being in charge of the text-books cannot be given the functions of choosing between the books produced by itself and those produced or intended to be produced by others. In reply, it needs only to be pointed out that the Bureau has been given the function of assessing the utility of text-books, Teachers' Handbooks and other educational literature, whether produced by the Bureau or not. This makes it clear that the Bureau is thought to be capable of functioning impartially in choosing between its own products and those of others. As the Academic Council of the Bureau mainly consists of educationists and has no responsibility for the other aspects of the Bureau's functions, any misgivings on the score of its not acting impartially would be misplaced. It is, therefore, recommended that all staff connected with text-book work in the Directorate including the gazetted posts of Deputy Director and Junior Superintendent specifically sanctioned for that work should be abolished and all the functions of the Directorate relating to text-books should be transferred to the Bureau.

18.38. The question whether the work of production of text-books could form part of the work of the Directorate of Government Printing and Stationery instead of being handled by the Bureau was considered. Having regard to the volume of work involved and the fact that the Director of Government Printing and Stationery is in a position to cater to only a fraction of the work offered by the Bureau, there does not seem to be any reason why a separate

establishment for getting the text-books printed should not continue with the Bureau. While specialised agencies may be justified for *pooling the work of the different departments of Government* in order that Government may derive advantage of economies of scale, there is a stage beyond which this advantage is more than offset by the attendant disadvantages. Chief amongst these is the lack of effective control of the person ultimately responsible for the activity over an essential ingredient of the activity. As the volume of printing work by the Bureau of Text-Books is sufficiently large, it would be in conformity with the principles of modern management to have this work done by an officer responsible immediately to the Director of the Bureau, rather than by a person who is answerable only through the Director, Government Printing and Stationery and the Industries and Labour Department.

18.39. While examining the set-up of the Production Branch of the Bureau of Text-Books, the anomalous position of the Bureau employing a person who was allowed to retire prematurely, more or less on compassionate grounds, rather than face prosecution on criminal charges as a result of enquiry set in motion by the Vigilance Commissioner, has incidentally come to notice. As the Bureau is an arm of Government for all intents and purposes, the mere fact that the Bureau has been given the garb of a Registered Society is no justification for the Bureau departing from standards of public integrity for its officers which are enforced in Government. In the light of this occurrence, I recommend [illegible] Corporations, Boards, Societies, etc. subject to Government [illegible] should not be allowed to offer shelter to public servants [illegible] in the Administration for their [illegible]

18.40. The Director of the Bureau [illegible] Joint Director of Education [illegible] tion and Social Welfare Department [illegible] December 1967. With the [illegible] Text-Book work by the Bureau [illegible] this status. The Director [illegible] dent of the Directorate [illegible] Service. This Government [illegible] of the type we [illegible] Government Resolution [illegible] the Bureau should [illegible] but also that he [illegible] and that he [illegible]

tion in sanctioning text-books. In effect, therefore, the Director has been completely stripped of authority of not only sanctioning text books, but also of distributing the work among the subordinate officers, which as a Head of the Department he should necessarily have.

The Bureau of Government Examinations

18.41. The Bureau of Government Examinations was set up under Government Resolution, Education and Social Welfare Department, No. PRE-7066-F, dated the 24th April 1968, as an "*independent* organisation *under* the Directorate of Education, its functions being *co-ordinated* with the Directorate of Education". It is, therefore, difficult to understand whether the intention is to have an *independent*, a *co-ordinate* or a *subordinate* organisation. The purpose of the Bureau is to conduct on behalf of the Government the various public, professional and competitive examinations, some of which were being earlier conducted by the Directorate of Education, while others were conducted by subordinate offices of the Directorate. The Bureau has also been entrusted with the task of reviewing the structure, pattern and procedures of each of the Government Examinations and introducing techniques in paper setting, evaluating and other related examining processes having a bearing on the teaching and learning experiences in the educational institutions, thereby helping those institutions in raising their educational standards. A post of Commissioner of Government Examinations of the status of a Joint Director of Education has been created for being put in charge of the Bureau. The status has been decided on by comparison with the Divisional Chairmen of the State Board of Secondary Education, who are of the status of a Joint Director of Education. As the Bureau would be conducting about 20 examinations involving about 3 lakh candidates, it was felt that its workload would be comparable or would even exceed that of a Divisional Board and, therefore, a Commissioner with the status of a Joint Director of Education was felt to be necessary at its head. However, except for a short period when one of the Joint Directors had to be found a post, the Bureau has always been headed by an officer of a lower status. The post has been down-graded, up-graded again and when last heard of, was down-graded for a second time having regard presumably only to the availability of particular officers. Assuming that the responsibilities of the post justified a senior post being sanctioned, these frequent changes cast serious doubt about whether the post has been properly utilised.

Amongst the duties devolved on this post, there are some which may require an officer of a very high calibre. Such duties do not, however, seem to have yet been performed, nor does their non-performance appear to have received cognisance. If the non-performance of such duties is of no particular consequence, the post could well be down-graded to that of a Deputy Director. In addition to the post of the Commissioner to the Bureau, there is an Assistant Commissioner, a post in the Maharashtra Education Service Class I. Having regard to the work now performed by the Bureau, it is felt that whatever the status of the Commissioner of Examinations, there is no necessity for another Class I Officer to assist him. The post of Assistant Commissioner may, therefore, be abolished.

The State Evaluation Unit

18.42. The State Evaluation Unit was established in August 1963 with the following objectives:

(1) To help the Colleges of Education and Schools to modify curricula, instructional material and methodology of teaching in keeping with the proposed reform in examination by organising orientation courses.

(2) To develop objective-based material in various subjects for internal and external examinations.

(3) To produce and publish literature pertaining to examination reform in the regional languages.

(4) To conduct studies and research for evaluating the impact of the changes in examination.

The Unit which was a part of the Directorate has recently been attached to the State Institute of Education under the orders of the Director. As evaluation is an essential part of teacher-education and the school improvement programmes, it would be proper to integrate the work of the Evaluation Unit with that of the State Institute of Education. It need not, therefore, exist as an independent unit. The available staff may be merged with the staff of the State Institute of Education.

18.43. No comments are offered in regard to the reorganisation of the Institute for Vocational Guidance and the Maharashtra State Institute of Audio-Visual Education, as these institutions are in existence for a very long time and much before the State Institute of Education was established, and are doing work of a [illegible] which need not necessarily be linked up with [illegible] of [illegible] state

Institute of Education. It is always open to the State Institute of Education to refer its problems pertaining to these subjects to those institutions, if such a need is felt by it.

Director of Education (Higher Education)

18.44. While this enquiry has been in progress, Government in the Education and Social Welfare Department has, by its Resolution No. SAO-1069-D, dated the 27th January 1970, created a new post designated as Director of Education (Higher Education) and *ex-officio* Officer on Special Duty in the Education and Social Welfare Department. This post has been created against a temporary post of Additional Director of Education which was sanctioned in December 1966 and which, it is stated, had remained vacant for quite some time. When this post of Additional Director was created in December 1966, the post of Joint Director of Education which had earlier been sanctioned in September 1965 was abolished. That post of Joint Director had been created to look after Administration in the Directorate. The new post of Additional Director was, however, evidently intended for Collegiate Education and it was not considered necessary to have a Joint Director's post for Administration. Another post of Joint Director existing in the Directorate was converted for Administration and Finance.

18.45. The reasons why this new post of Director of Education (Higher Education) and *ex-officio* Officer on Special Duty in the Education and Social Welfare Department was sanctioned and the previous history leading thereto make interesting reading. When the post of Additional Director of Education was created in 1966, Government had carefully considered the recommendation of the Education Commission for the establishment of a separate Directorate of Collegiate Education. It was then felt that it may not be possible to accept and implement this recommendation but as "something is to be done urgently for higher Administration of Government Colleges and have proper co-ordination and closer liaison between the Universities and that of affiliated Colleges on the one hand and the Government and the Directorate of Education on the other", it was considered desirable and sufficient to have a post of Additional Director.

18.46. The question of a separate Directorate for Collegiate Education was also considered by the Administrative Reorganisation Committee. It is worth-while to reproduce that Committee's observations on this subject *in extenso*.

"*Separate Directorate for Collegiate Education.*—It was suggested to the Committee that as the Director of Education has to look to the educational problems at various levels, he did not find time to devote his attention to Collegiate Education. The Committee has examined the suggestion and considers that for the reasons mentioned below it would not be desirable to have a separate Directorate for this purpose. In the first place, collegiate education is not the exclusive responsibility of the Director of Education The colleges are under the control of the Universities and the inspections of colleges are held by the University inspection teams. So far as important issues involving policy decisions are concerned, there is already a joint Board of Vice-Chancellors set up for this purpose. As the Universities are autonomous bodies, and it is their primary responsibility to ensure proper working of their affiliated colleges, the role of the Director extends mainly to payment of grant-in-aid to private colleges It is only in the case of Government colleges that he has direct responsibility for administration. Secondly, with the transfer of primary and secondary education to the Zilla Parishads it should be possible for the Director to devote more attention to collegiate education. Besides, the Director has also a Joint Director who can share the responsibility and work regarding this aspect of education. The Committee does not, therefore, consider it necessary to have a separate Directorate of Collegiate Education."

When the recommendations of the Administrative Reorganisation Committee were processed and considered by the Cabinet, the decision of the Cabinet was that the aforesaid recommendation has been noted.

18.47. Neither the earlier decision that it may not be possible to accept and implement the recommendation of the Education Commission to create a separate department for Collegiate Education nor the considered views of the Administrative Reorganisation Committee and the decision of the Cabinet thereon have been taken into consideration in sanctioning the new post. On the other hand, it is observed in Government Circular, Education and Social Welfare Department, No. SAO. 1069-D, dated the 2nd February 1970.

> "The Education Commission appointed by the Government of India has, *inter alia,* recommended that there should be a Director of Education for Higher Education. This recommendation of the Government of India was accepted by the State Government and a post of Additional Director of Education for Higher Education was created in the Directorate of Education".

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18.48. Further, it is not merely that a post of Director of Education (Higher Education) has been created in the Directorate. The Director is also required to attend to work relating to Higher Education in the Sachivalaya and is designated *ex-officio* Officer on Special Duty in the Education and Social Welfare Department. It has been directed that the headquarters of the incumbent of the post should be at Greater Bombay but he is placed in overall charge of the work relating to Higher Education in the Office of the Director of Education, Maharashtra State, which is at Poona.

18.49. Incidentally, it appears that one of the considerations for designating the Director of Higher Education as *ex-officio* Officer on Special Duty in the Education Department was that the officer who had been selected for the appointment before even the post was sanctioned felt that this would justify the action of keeping his Headquarters in Bombay.

18.50. The problem as to how this high officer with one foot in the Sachivalaya in Bombay and another foot in the Directorate at Poona would do justice to the duties in these two places has been solved by directing in a Circular that the routine correspondence regarding "Higher Education" should be addressed to the Director of Education, Poona, as usual, while all important correspondence which needs personal attention by the Director of Education (Higher Education) should be sent to his address in the Sachivalaya. Also, happily for the Director, Government has accepted his idea that he would visit Poona for two days in a week and dispose of the routine work that may be kept for him there and for the other days the work would be sent to Bombay.

18.51. I may observe, in all humility, that the aforesaid arrangement is contrary to a rational system of Administration. Firstly, the Administrative Reorganisation Committee which had gone into the question of a separate Directorate for Collegiate Education very carefully had come to the conclusion that with the Director and the Joint Director who could share the responsibility and work regarding this aspect of education, the existing arrangement was satisfactory. No new circumstances have arisen nor have any fresh grounds been urged in support of the creation of this post disregarding the considered views of the Administrative Reorganisation Committee which the Cabinet has noted.

18.52. Secondly, as observed earlier, the Secretariat function is distinct from the executive function and there is no justification for

an arrangement under which the Secretariat scrutiny of an important part of the executive work is entrusted to the very person who is charged with the responsibility for such executive work. I recall with some concern the observations of the Administrative Enquiry Committee (1948). A similar experiment was tried in 1939 when the Director of Public Instruction was made Joint Secretary to Government and spent a certain number of days each week in Bombay, "But he continued to correspond with himself as Director of Public Instruction at Poona, and files were moved to and fro as before. It sometimes happened that as Director of Public Instruction he was obliged, at the instance of his office, to rebut the views which he himself had earlier expressed in the light of noting in the Secretariat. Thus, while there was no improvement in the disposal of work, there was created the absurdity of the same officer expressing divergent opinions in different capacities, and the experiment was abandoned."

18.53. It may be that a resourceful incumbent of this office would take care to avoid the aforesaid absurdity of expressing divergent opinions on the same matter in different capacities; but if a problem has to be viewed from two different aspects which may lead to divergence, actual divergence could only be avoided by failing to consider or overlooking one or the other aspect in all its comprehensiveness This structure is opposed to the recommendations of the Administrative Enquiry Committee as well as of the Administrative Reorganisation Committee. It is possible that the arrangement may work with an exceptionally qualified officer in charge But the arrangement itself viewed objectively has little to commend itself on grounds of either administrative efficiency or coherence.

18.54. As observed by the Administrative Reorganisation Committee (*vide* paragraph 18.46 *ante*), the only direct responsibility of Government for administration in this sphere is in the case of Government Colleges. The number of Government Colleges is comparatively small. Besides, the Principals in most of them are senior educationists who do not require (and may even resent) a Super-Headmaster watching over their administration with a cane. The inspection that is required and which they may welcome is inspection in the matter of accounts, stationery, deadstock and stores. Such inspection can be fruitfully performed by Accounts and Inspection Units from the Director's office and would not justify a Director for Higher Education. I, therefore, recommend that this post and the ancillary posts created along with it be abolished and ' ad t

Director of Education may continue to be responsible for Higher Education with a Joint Director and a Deputy Director in his office to assist him in the discharge of these functions.

Proposed Set-up of the Director's Office

18.55. The abolition of the post of Deputy Director for Text-Books and that of Assistant Commissioner for Examinations in the Directorate has already been suggested earlier. On an examination of the workload, it is found that apart from these, the posts of Deputy Director of Education (Social Education and Committees) and the post of Deputy Director of Education (Planning) can well be combined into a single post. The work of the Social Education Branch is not sufficient to keep an officer of the rank of Deputy Director fully busy. It should, therefore, be possible to reduce one post of Deputy Director and distribute the work among the other Deputy Directors.

18.56. Charts showing the organisation of the office of the Director of Education as it existed at the time of the study and the organisation as proposed to be revised in the light of the various foregoing recommendations are appended (Annexures 16 and 17).

Total No. of Posts

Supertime Scale — Di Ed (H Ed and on Du & S — 2 in Director's Scale.

Joint Director of Education's Scale — Director, Text-Book Bureau — 5 in Joint Director of Education's Scale.

Class I — De Dir Ed (Hi Ed — Deputy Director of Education (Primary Education) — Deputy Director of Education (Social Education and Committees) — Deputy Director of Education (Text-Books and Languages) — 2 Deputy Directors of Education, 2 Assistant Commissioner, 2 Accounts Officer, 2 Research Officer

Class II — Super[illegible] Officer A Br[illegible] M.) — Accounts Officer — [illegible] (Scholarships and Concessions) [illegible]

Notes.—(1) @Thes[illegible]

(2) Except[illegible] but [illegible]ector of Education.

(3) The a[illegible]

(4) Posts [illegible]

etc. to the Public Health authorities at the District level could well be performed by specialist officers attached to the State level office.

19.2. *Regional Family Planning Training Centres.*—There is a Regional Family Planning Training Centre at each Divisional headquarters which conducts courses for the Public Health staff and also for social workers. In addition, it is expected to carry out studies and research in various aspects of the Family Planning programme. On the basis of the examination of the Poona Centre by the Work Study Team, it can be stated that no research work has so far been undertaken and the two studies carried out by the Centre are mainly in the nature of statistical exercises which could be done at the District level also.

19.3. *Other Training Facilities.*—Coming now to the training aspect, it appears that the categories of Public Health staff which are mainly involved in the Medical-*cum*-Health and the Family Planning programmes are the Auxiliary Nurse Midwives and Nurse Midwives and these categories are excluded from the training at the Regional Family Planning Training Centres. The training for these categories is organised at the Public Health Units at Sirur, Palghar, etc. The Sanitary Inspectors who are trained in these institutions are rarely used for Family Planning work.

19.4. In addition to the Regional Family Planning Training Centres, there are five Health Units and one Public Health Institute which also give Family Planning training. In addition there are Family Planning Training Centres of the Government of India. It is desirable to avoid overlapping of training in these various institutions. The important and basic items of training can be combined at the Public Health Institute and refresher and orientation courses can be conducted at the various Health Units. The training of Medical Officers in the Family Planning programme can be included in their own medical course, and the training in the maintenance of records, etc. can be given in the Health Units or the Public Health Institute. Possibly the Regional Family Planning Training Centres have been set up mainly because the Government of India has come forward to give full grant for these institutions for the present. If so, it cannot be overlooked that these institutions are likely to prove a drain on the State Exchequer in the long run. It is accordingly recommended that the Regional Family Planning Training Centres which give training only in the Family Planning programme should be discontinued and the staff at these Centres may be utilised at the Health Units and the Public Health Institute.

19.5. *Mobile Hospital Unit at the Divisional Level.*—A Mobile Hospital Unit is functioning at each Divisional headquarters. The Unit performs epidemic duties and holds medical camps when there is no epidemic duty to be performed. During the visit of the Work Study Team at Poona it was found that most of the staff of the Mobile Hospital Unit was deputed to the Sassoon Hospital The nurses were also utilised for developing Medical-*cum*-Health work under the Regional Family Planning Training Centre. Even during epidemic duties, these Mobile Units hardly get 2 to 4 patients per day. When a medical camp is held, the number of patients is of the order of 15 per day. The primary responsibility for control of epidemics and grant of medical relief has been entrusted to Zilla Parishads. In recent times there have been no demands for the service of the Mobile Unit. When an epidemic breaks out, the Public Health staff of the whole district is deployed in the area. Taking these factors into account, it is clear that the Mobile Hospital Unit at the Divisional level has outlived its utility With the increased public health and epidemic control facilities available in the districts, as also the clinical facilities, the utility of the Mobile Hospital Unit has decreased considerably. It is recommended that these Mobile Units should be discontinued.

19.6. *Regional Malaria Offices.*—Elsewhere* I have recommended that the Malaria Control Programme should also be implemented through the Primary Health Centres. The supervisory control over the field work which at present is exercised by the Regional Malaria Officer will be exercised instead by the Public Health Officer of the Zilla Parishad. All that is necessary at the Regional level is to maintain a system of cross checking. For this purpose it is recommended that a small office with an Entomologist with a staff of two Superior Field Workers be retained at the Regional level. The laboratory may be in charge of the Entomologist who may be given the powers to appoint the necessary Laboratory Technicians so as to ensure that no backlog in cross checking of blood smears received from the unit offices remains. The remaining part of the office including the post of Regional Malaria Officer may be abolished.

Medical and Public Health Departments : State Level Organisation

19.7. The set-up at the State level of the Medical and Public Health Departments when the present enquiry was instituted was

*Paragraphs 9.14 and 10.39.

that the Public Health Department was under the Director of Public Health; the Medical Department was under the Surgeon General with the exception of the Haffkine Institute which was under a separate Director; the Employees' State Insurance Scheme was also under the Surgeon General. The question of integration of the Medical and Public Health activities in the State was not considered at all by the Administrative Reorganisation Committee, though such a step was recommended by several expert bodies of the Government of India. The Government of India has also been pressing for such integration.

Integration of Medical and Public Health Departments

19.8. Among the arguments pressed for the integration of the Medical and Public Health Departments is that in all other States the integration of the two Departments has been achieved (at least at the top) and Maharashtra is perhaps the only State where the two services are working as independent entities at the sub-division, district, divisional and State levels. It is not for me to assess the level of integration achieved in other States. I may state, however, that in some States where there is one combined Department, there is a Director with an Additional or Joint or Deputy Director, one from the curative and the other from the preventive sides; at lower levels the two Sectors continue independently. In Tamil Nadu there is, besides, a separate Directorate of Medical Education which is in charge of the medical colleges and hospitals attached thereto. It will be seen that the approach in the present enquiry has been to secure integration from the grass roots. I have, accordingly, recommended the integration of the curative and the preventive aspects of public health in regard to those activities which have been transferred to the Zilla Parishads at the level of the district and below. It has also been recommended that dispensaries other than the Civil Hospitals in the State sector be transferred to the Zilla Parishads in this integrated set-up.

19.9. *Attempts at State Level Integration.*—An important intervening circumstance before my recommendations for the State level set-up in this Department could be made, is the "Integration of Medical and Public Health Departments" purported to have been brought about by the orders of Government in Government Resolution, Urban Development, Public Health and Housing Department, No. MME-3869/5975/(a)/B, dated the 20th April 1970. As a first phase of the integration, Government has directed the abolition of the post of Director of Public Health and of the Surgeon General

and the creation instead of two new posts on the same terms designated as Director of Health Services and Director of Medical Education and Research; the posts of the Deputy Directors of Medical Services and the Deputy Directors of Public Health Services are redesignated as Deputy Directors of Health Services; the Director of Health Services is to be assisted by two Joint Directors of Health Services, one in charge of Health Services and the other of Hospitals excluding the teaching hospitals and research institutions; the Director of Medical Education and Research is placed in charge of all aspects of Medical including Dental Education *along with teaching hospitals attached to these* institutions, training of Medical and Para-Medical Personnel and all activities pertaining to research. He is to be assisted by a Deputy Director of Medical Education and Research at Headquarters At the Regional level 7 posts of Deputy Directors of Health Services have been created as against 4 posts of Deputy Directors of Public Health previously, the Director of the Haffkine Institute continues to function independently; the Employees' State Insurance Scheme Directorate is to function as an independent unit with the designation of its present Deputy Director changed to Director.

19.10. There is no reference in these orders of integration to the post of Commissioner for Family Planning and Deputy Secretary, which, therefore, continues separately. I shall revert to this post later. The Directorate of Ayurved was recently set up as an independent department. The position of this department also is unaffected by these orders.

19.11. The proposals underlying these orders which were approved by the Cabinet in principle have, for the present, been not very clear in regard to the full integration of the three service cadres, namely, the Medical Service Cadre, the Public Health Service Cadre and the General Service Cadre, as such integration requires careful and detailed examination, among others, of the following issues:

(a) Amendments to the respective Recruitment Rules;

(b) Refresher or orientation training of officers of all the services to suit their postings to posts presently held by the officers of other services; and

(c) Determining principles for fixation of *inter se* seniority of officers of the two or three separate cadres in the combined services.

It was, however, considered opportune to proceed with the integration from the top before consideration of this vital subject of the integration of the Service Cadres because the post of D[illegible]

Health Services which had recently fallen vacant with the retirement of the incumbent was still available and similarly there was a vacancy of a Deputy Director and one or two more were likely to arise in the next three months.

19.12. The result of the orders issued is that the designations of the Director of Public Health and the Surgeon General have been revised; part of the work which was being attended to by the Surgeon General, namely, that relating to Hospitals other than teaching hospitals and research institutions is now transferred to the Director of Health Services; even this work that is transferred is not to be integrated at this stage with the public health work because there would be two separate Joint Directors to assist the Director of Health Services, one with headquarters at Poona looking after the work of public health and the other with headquarters at Bombay looking after the work relating to Hospitals other than teaching hospitals; the post of Director of Health Services has now gone to a person belonging to the service on the curative side and two new posts of Joint Directors have been created; the Employees' State Insurance Scheme is left out of integration and is set up under a separate Directorate; the Directorate of Ayurved continues to function independently; the Commissioner for Family Planning is not touched. With regard to the Director of the Haffkine Institute, the proposal is quite curious. The Haffkine Institute is the leading Institute devoted to medical research. It is kept out of the purview of the Director of Medical Education and Research and continues under an independent Director. The ostensible reason for this is that the post of the Director is in the same scale as the post of the newly created Director of Medical Education and Research. In the light of the proposals approved in principle by the Cabinet, however, it is contemplated that the activities of the Haffkine Institute relating to production of vaccines, sera, drugs, etc. would in due course be transferred to the Director of Medical Education and Research, though these commercial activities have no ostensible link with either Medical Education or Research; while the pure research aspect of the Institute would be kept away from the Director, Medical Education and Research. The vaccines, sera and drugs, etc. produced in the Haffkine Institute would be used primarily in the health activities under the Director of Health Services. If they had to be separated from the Director of the Institute and transferred to an independent authority, perhaps there would have been greater reason to transfer them to the Director of Health Services who would possibly be the principal consumer of these products.

19.13. In the Government Resolution, Urban Development, Public Health and Housing Department, No. MME. 3869/5975/(*a*)/B, dated the 20th April 1970, it is stated that a need is keenly felt to integrate the Medical and Public Health Services which will secure not only greater co-ordination but also greater economy and efficiency. The orders issued, in fact, do not result in any economy; on the contrary, they result in some additional posts. It is difficult to see how these orders could result in greater efficiency. As for integration, at first sight, it would appear that integration is achieved at the regional level, whereas under these orders the posts of Deputy Directors of Public Health and of Deputy Directors of Medical Services are merged in the posts of Deputy Directors of Health Services. But, in the proposals underlying these orders, which are accepted in principle by the Cabinet, it is seen that the Health Personnel and the Curative Personnel continue as two different castes. The proposals envisage that each Deputy Director will be assisted by one Assistant Director and, by convention, the Assistant Director posted will, as far as possible, be an officer specialised in Medical or Public Health aspect other than the specialisation of the Deputy Director That these two services continue as two separate castes is also seen from the proposal that the post of Director of Health Services will be filled by rotation, under rules or convention, of officers having specialised qualifications in Medical and Public Health aspects. It would thus appear that little of integration is achieved by these orders except in the nomenclature of posts Though these orders have been issued subsequent to the orders instituting the present enquiry, it is not clear from these orders whether they supersede to that extent the orders by which the enquiry for rationalisation of administration is entrusted to me. Since the orders do not specifically say so, I presume that the set-up envisaged under these orders also is not free from examination from the point of view of rationalisation and hence I have ventured to deal with it.

19.14. It is a question for consideration whether the integration of these departments could at all be taken up from the top as a first step. In fact, until the services under both the departments are brought into a common cadre and made interchangeable the mutual jealousies and suspicions of the personnel on the preventive and curative side respectively are likely to continue and the utility of integration at the top is seriously open to question. If it was a mere question of postings to posts fallen vacant from one wing to the other, this could as well have been done under the old set-up.

Non-teaching and Specialised Hospitals

19.15. As for the assignment of the work relating to hospitals other than the teaching hospitals to the new Department of Health Services and keeping it away from the work of the teaching hospitals, the integration of the work of all hospitals under one Department would appear to be more rational than its disintegration in this manner. There is no doubt a link on the curative side between the Primary Health Centres and the Civil Hospitals at the District level in that cases for which facilities would not be available at the Primary Health Centres would have to be dealt with in the Civil Hospitals. When it comes to provision of services to the people, these two types of institutions would be complementary. The Civil Hospitals also play a complementary role in regard to other public health activities such as Family Planning, etc. But so long as the personnel engaged in these two types of activities/institutions is not integrated into one well-knit service, the activities could well have continued with the control under two Departmental Heads. The teaching hospitals, the non-teaching hospitals, the Civil Hospitals and Specialised Hospitals are all complementary to each other in that cases for which facilities are not available in the Civil Hospitals are required to be dealt with in the Specialised Hospitals, such as the Hospital for Diseases of the Chest at Aundh and the Mental and the T. B. Hospitals.

19.16. With regard to the Specialised Hospitals which are at present not considered as teaching hospitals, there would appear to be a strong case for their integration in the wing connected with Medical Education and Research. Clinical facilities for research in the specialities would be available in the Specialised Hospitals. They could also be used suitably for specialised post-graduate courses relating to Medical Education. These Hospitals should include the Mental Hospitals.

The Director of Health Services

19.17. As for the newly created post of Director of Health Services, the bulk of the Headquarters staff and the functional specialists are today functioning at Poona. The orders specify that one of the Deputy Directors is also to function in Poona. From the point of view of rationalisation of administration, it would seem appropriate that the Director himself as also the Joint Directors (if Government considers it necessary to continue the posts of two Joint Directors) should function in Poona. Such a decision is indicated on other pragmatic considerations such as

convenience and welfare of the staff working in the Head Office of the erstwhile Directorate of Public Health, office accommodation, etc.

The Directorate of Ayurved

19.18. When Government is keen on integration of public health and medical activities, there is little justification for allowing the Directorate of Ayurved to continue as a separate Directorate. The Director is in charge of some Ayurvedic Colleges, some Ayurvedic Hospitals and the Ayurvedic Ward in the Sassoon Hospital, Ayurvedic and Unani Pharmacy, a Research Institute and a Board of Ayurvedic Research. The Ayurvedic Colleges and Hospitals, though called as such, appear to be giving training in Ayurved as well as Allopathy as also both ayurvedic and allopathic treatment according to the choice of the patients. The education imparted is also for mixed Diplomas and Degrees in Ayurved and Allopathy. The Ayurvedic and Allopathic Colleges attached thereto could well be taken up by the Director of Medical Education and Research and the other residuary activities of the Department could be transferred to the Director of Health Services. It would be sufficient if an Assistant Director with Ayurvedic qualifications is given to the Director of Medical Education and Research to help him to look after the Ayurvedic side of the activities.

Commissioner for Family Planning

19.19. In the revised set-up for securing greater co-ordination, the activities relating to Family Planning appear to have been lost sight of. The post of Commissioner for Family Planning was created under Government Resolution, Urban Development, Public Health and Housing Department, No. EST. 1367-52839/K, dated the 30th September 1967, with effect from the 1st October 1967. While this post was filled from the 1st October 1967, the duties and responsibilities of the post were decided in Government Resolution, Urban Development, Public Health and Housing Department, No. FPL 1067/528539-F.P. cell, dated the 20th December 1967. The main activities of Family Planning and Maternity and Child Health continued to be activities of the Public Health Department. But, instead of the Director of Public Health being charged with the responsibility therefor, the same was entrusted to the Commissioner for Family Planning who is also the Deputy Secretary to Government in the Urban Development, Public Health and Housing Department. The Administrative Enquiry Committee, 948, opposed in principle the proposal that departmen s

have Secretariat status. The principle enunciated by this Committee was accepted by Government. The views of the Committee giving reasons why it did not agree with the suggestion of the departmental heads to work actually in the Secretariat were noted. Its further recommendation that the Head of a Department should not be made a Secretary without integrating the office with the Secretariat was also accepted. These recommendations and observations of the Administrative Enquiry Committee and the orders of Government issued thereon previously appear to have been overlooked in sanctioning the appointment of the Commissioner for Family Planning and Deputy Secretary to Government.

Recommended Set-up

19.20. My proposals, in all humility, would be that while the orders regarding the designations of the posts may remain, the work relating to hospitals other than teaching hospitals including the Specialised Hospitals may revert to the Director of Medical Education and Research; the two posts of Joint Directors sanctioned for the Director of Health Services would not be necessary; the regional set-up for the Director of Health Services is not necessary; for the administrative work relating to the Civil Hospitals etc., the Director of Medical Education and Research may get one Deputy Director at headquarters. In case it is considered desirable to retain this work with the Director of Health Services, this post of Deputy Director may be given to the Director of Health Services instead of to the Director of Medical Education and Research. The Directorate of Health Services may be located at Poona and the Directorate of Medical Education and Research may be located at Bombay.

19.21. On the basis of a detailed study of the erstwhile Directorate of Public Health, the following organisation is recommended for the Public Health wing of the new Department:

(*a*) The Director should be assisted by functional officers with Statewide jurisdiction, with high technical expertise, who will give guidance to all Zilla Parishads in their respective fields of specialisation.

(*b*) The functional officers should inspect and supervise only the technical aspects of the working of the machinery at the district level; administrative difficulties, if any, noticed by these officers should be brought to the notice of the Divisional Commissioners for rectification.

(c) The Directorate should be responsible only for the following:

(i) Policy framing, budget, planning and co-ordination;

(ii) Service matters of the departmental staff and gazetted officers working with Zilla Parishads;

(iii) Providing technical expertise and guidance, supervision and evaluation of schemes;

(iv) Conduct of training courses;

(v) Maintenance of vital statistics;

(vi) Conduct of Public Health Laboratories and the Vaccine Institute;

(vii) Procurement and proper distribution and utilisation of UNICEF assistance for various health services eligible for international aid.

Having regard to this reduced workload and transfer of work/ schemes to the Zilla Parishads, it would suffice for the State level work of the erstwhile Public Health Department to have the following officers to assist the Director:

I. One Deputy Director in charge of Malaria, Filaria and Leprosy with—

(i) One Assistant Director for Malaria and one for Filaria,

(ii) One Assistant Director for Leprosy,

(iii) One Entomologist,

(iv) One Administrative Officer in Class II.

II. One Deputy Director for the work relating to Family Planning, Maternity and Child Health, UNICEF Milk Distribution Scheme and Vital Statistics, with the following officers under him:

(i) One Assistant Director for Maternity and Child Health and Family Planning,

(ii) One Assistant Director for Nursing,

(iii) Health Educator (Class II),

(iv) Medical Officer for I.U.C.D. (Class II),

(v) One Assistant Director for Vital Statistics,

(vi) One Statistical Officer (Class II),

(vii) One Nosologist,

(viii) Two Administrative Officers in Class II.

III. One Deputy Director, Headquarters with—

(i) One Assistant Director for Epidemics and National Small-pox Eradication Programme,

(ii) One Assistant Director for Integration,
(iii) One Assistant Director for Transport,
(iv) One Administrative Officer in Class I,
(v) Two Administrative Officers in Class II.

Health Transport Organisation

19.22. The working of the Health Transport Organisation under the Director of Public Health calls for comment. The organisation, which is in charge of an Assistant Director of Public Health, has about 730 vehicles operating under the various health programmes throughout the State, including about 70 vehicles released by the UNICEF for the Applied Nutrition Programme. It consists of an Administrative Wing, a Maintenance and Repairs Wing and a Stores Wing. The Maintenance and Repairs Wing comprises a Central Static Workshop at Poona and 10 Mobile Maintenance Units stationed at different places in the State. Each Mobile Unit consists of a Foreman, a Mechanic, an Electrician and a Helper.

19.23. During my visit to Trivandrum referred to earlier*, a UNICEF official whom I happened to meet mentioned to me that the UNICEF vehicles allotted to Kerala had been kept in an excellent state of repair and that the proportion of sick vehicles was as low as 0·5 to 1·5 per cent. In order to find out how the State officials had been able to achieve this high level of efficiency in maintenance of vehicles, I invited the State Health Transport Officer for a discussion. I was informed that an elaborate and thorough system of preventive maintenance (which is to be distinguished from servicing) was being followed and detailed record in respect of each vehicle was being maintained in the form of a vehicle history book, battery cards and tyre cards. An organisation consisting of a Central Workshop and a stationary Maintenance Team at Trivandrum and three mobile Maintenance Teams looks after about 400 vehicles. Each team comprises a Chief Mechanic, three Mechanics and an Electrician. The Electrician is trained on the engine side also, while the Mechanics are trained in the Electrician's job. The Drivers are also given training for a month in handling every type of vehicle and in checking oil, radiator, springs, etc.

19.24. A record of the discussion with the Health Transport Officer, Kerala, was furnished to the Director of Public Health, Poona, with a request to indicate the position obtaining in this State,

* Paragraph 2.10.

particularly in regard to the sickness ratio of vehicles. The Director reported that the percentage of off-road vehicles had been reduced from 27 per cent. in 1964 to 6 per cent. in 1968. The basis of calculation of this percentage was reported by the Director as follows:

"The vehicle is recorded as off-road if the same is off-road for majority No. of days in a month. However, if a particular vehicle becomes off-road on the last day of the month and is likely to remain off-road for majority No. of days in subsequent month the same is also recorded as off-road. Vehicles which are off-road for minor repairs and could be put on road in a day or two are not recorded as off-road."

19.25. It will be seen that even if a vehicle is off the road for 15 days or less, it is treated as in working condition, except when it is clear that it is likely to remain off the road for "a majority number of days" in a month. Besides, vehicles under minor repairs for a day or two are not treated as off-road. This method of calculating the sickness ratio of vehicles is not only unscientific but gives a misleading picture of the actual situation and leads to complacency and undeserved claims for credit. The correct method would be to ascertain the number of vehicle-days lost in a month, compared to the total number of vehicle-days of the fleet (size of the fleet × number of working days). It would be desirable for the Director of Health Services to gear up his organisation, to keep a watch on the sickness ratio on the correct lines and to ensure that the sickness ratio is kept as low as possible by the adoption of a rigorous system of preventive maintenance, including regular and systematic inspection of vehicles. Sickness of vehicles not only puts the vehicles out of action but also the teams using the vehicles for their peripatetic duties. Hence it is necessary to ensure that such sickness is reduced to the minimum. Alternative arrangements should also be planned for utilisation of the teams when the vehicle allotted to them is out of action.

Medical Colleges and Hospitals including Specialised Medical Institutions

19.26. The staffing pattern and organisation of the Medical Colleges has to comply with the requirements of the Indian Medical Council and the concerned University. It would appear, however, that the staffing position is outpaced by the increase in admissions. With the Universities and the Indian Medical Council being seized of these matters, it is not necessary for me to go the ain.

19.27. Two Expert Committees appointed by the Government of India, namely, the Health Survey and Development Committee under the Chairmanship of Sir Joseph Bhore and the Health Survey and Planning Committee appointed under the Chairmanship of Dr. A. Lakshmanaswami Mudaliar, have gone at length into the problems of the health of the population, the requirements of different types of institutions, the desirable ratio of Doctors, Nurses, Hospitals, etc. with different bed strength. The recommendations of the Bhore Committee were on the liberal side, while those of the Mudaliar Committee took into account the difficulties in the way of funds and otherwise in achieving the required standards. In 1963, Government appointed a Sub-Committee under the Chairmanship of the Surgeon General for fixing standards for hospital buildings, personnel, equipment, diet, drugs, etc. in the hospitals. This Sub-Committee's recommendations contained the minimum requirements. In regard to the ratio of nursing staff, its recommendations were as follows:

25-bed hospital	... 12 Nurses or 1 Nurse per 2 beds.
50-bed hospital	... 22 Nurses or 1 Nurse per 2·3 beds.
250-bed hospital	... 74 Nurses or 1 Nurse per 3·4 beds.
500-bed hospital	... 147 Nurses or 1 Nurse per 3·4 beds.

The Sub-committee also recommended the staffing pattern for other categories of staff. The orders of Government on the recommendations of this Sub-committee have not yet been finalised. At one stage, the Surgeon General was asked by Government to report the extra cost involved in implementing the recommendations. It appears that the extra cost has not yet been completely worked out but the Surgeon General has estimated that the acceptance of the recommendations would result in an increase of 30 to 40 per cent. over the existing staff. What is more significant is that the aforesaid increase is on the basis of the sanctioned bed strength. But with the progress in medicine and surgery and the growth of public consciousness regarding curative facilities for ailments, there is a constant pressure on existing hospitals for admissions for indoor treatment. There is general over-crowding in most hospitals and the actual indoor population is much in excess of the sanctioned bed strength. It is not unusual to see patients sleeping on mattresses on the floor for want of accommodation in bedsteads in certain wards in the hospitals. If the minimum requirements on the basis of the Sub-committee's report are to be met, a further increase in the staff would be indicated if the requirements are calculated on the actual average indoor population in the preceding twelve months instead of on the sanctioned bed strength.

19.28. The question is one of the resources that Government is able to spare for the hospitals. There is little point in further studies and further recommendations for the increase in staff required.

19.29. Apart from the ratio of particular categories of staff to the beds in a ward or hospital, there is also the question of the optimum size of a hospital. From certain recent newspaper reports, it appears that surveys conducted in the United Kingdom have shown that a 200-bed hospital is the optimum size hospital. Larger hospitals bring their own problems and the disadvantages outweigh the advantages of size. Particularly in regard to specialised institutions like the Mental Hospitals, it should be worth-while considering whether it would not be appropriate to set up new institutions in different parts of the State to cater for such specialities rather than to go on increasing the size of institutions concentrated in a few places.

A Non-Medical Administrator

19.30. The question of the administration of a hospital assumes importance as the size of the hospital grows. In a small hospital, it may be possible for the medical man in charge to attend to all the administrative needs and duties with the requisite assistance in staff. But the question of co-ordinating the administrative and medical sides assumes serious importance in the case of bigger hospitals. The Estimates Committee of the Legislature in its report of the J. J. Hospital had high-lighted the serious administrative deficiencies in the running of that hospital. A question which requires careful consideration is whether talented physicians/surgeons who could well attend to the medical side should be required to waste their talents on the administration and house-keeping side of the hospital even if it is assumed that they have the requisite talents for these duties too. This is a problem on which I hesitate to offer comments when I am not sufficiently equipped to do so, as I have not had the opportunity to study, observe and acquire the requisite knowledge regarding modern methods of hospital administration in the more advanced countries. But the question requires careful thought and study.

Hospitals Manned by Full-time Stipendiaries

19.31. Another question requiring careful thought and study in any scheme of reorganisation of hospitals is whether it would not be in the long-term public interest to man the public hospitals almost exclusively with full-time G[illegible] on the

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19.29. Apart from the ratio of particular categories of staff to the beds in a ward or hospital, there is also the question of the optimum size of a hospital. From certain recent newspaper reports, it appears that surveys conducted in the United Kingdom have shown that a 200-bed hospital is the optimum size hospital. Larger hospitals bring their own problems and the disadvantages outweigh the advantages of size. Particularly in regard to specialised institutions like the Mental Hospitals, it should be worth-while considering whether it would not be appropriate to set up new institutions in different parts of the State to cater for such specialities rather than to go on increasing the size of institutions concentrated in a few places.

A Non-Medical Administrator

19.30. The question of the administration of a hospital assumes importance as the size of the hospital grows. In a small hospital, it may be possible for the medical man in charge to attend to all the administrative needs and duties with the requisite assistance in staff. But the question of co-ordinating the administrative and medical sides assumes serious importance in the case of bigger hospitals. The Estimates Committee of the Legislature in its report of the J. J. Hospital had high-lighted the serious administrative deficiencies in the running of that hospital. A question which requires careful consideration is whether talented physicians/surgeons who could well attend to the medical side should be required to waste their talents on the administration and house-keeping side of the hospital even if it is assumed that they have the requisite talents for these duties too. This is a problem on which I hesitate to offer comments when I am not sufficiently equipped to do so, as I have not had the opportunity to study, observe and acquire the requisite knowledge regarding modern methods of hospital administration in the more advanced countries. But the question requires careful thought and study.

Hospitals Manned by Full-time Stipendiaries

19.31. Another question requiring careful thought and study in any scheme of reorganisation of hospitals is whether it would not be in the long-term public interest to man the public [illegible] almost exclusively with full-time Government serva

medical side also (in the larger sense of the term, 'medical'). At present, in the bigger hospitals, the stipendiaries play almost a subordinate role and the hospitals are dominated by Honoraries from the practising profession, who, it cannot be denied, have their own vested interests which, at times, may clash with the wider public interest. What can be achieved in this direction with a dedicated public servant in charge of the transformation, is well illustrated by the Government Dental College and Hospital at Bombay. The Dental College and Hospital, which at one time were mainly manned by Honoraries, are now almost exclusively manned by full-time Dental Specialists. The Dean at present, as well as most of the Heads of Departments, are former students of the College, who were trained in the various specialisations here and abroad and equipped to take charge of specialist responsibilities. The treatment and facilities received by the patients at this hospital can well compare with those received at the other public institutions leaning on the Honoraries. The Dental College and the Hospital are today the premier Institutions in their fields in the whole country.

19.32. The Administrative Reorganisation Committee has referred to two aspects of the system of Honoraries in teaching hospitals, viz., economy and excellence. The Committee recommended that Government should work towards a scheme in which full-time units should be created for as many departments as possible and the posts of Honoraries should be offered only to persons of high eminence in the profession. This recommendation has been accepted by Government.

19.33. Allied to this question is also the question of private practice by Government Doctors. Government recently appointed a Commission under the Chairmanship of Shri K. T. Desai, retired Chief Justice of the Gujarat High Court, to go into this question. The report of that Commission, though submitted to Government, has not yet been published. Nor are the orders of Government on its recommendations available. I may observe, however, that the attention and satisfaction which one gets at the Government Dental College and Hospital is attributable in large part to the fact that the full-time staff is appointed on reasonable emoluments and is not allowed, neither does it hanker for, private practice.

19.34. The reorganisation of the structure of hospitals in the light of the preceding observations would, however, require a good knowledge of modern methods and techniques of hospital administration to which I lay no claim.

CHAPTER 20

SOCIAL WELFARE DEPARTMENT

Activities of the Department

20.1. The activities of the Social Welfare Department broadly fall into four categories as follows:

(i) Welfare of the Backward Classes including Scheduled Tribes, Scheduled Castes, Vimukta Jatis, Nomadic Tribes and Other Backward Classes;

(ii) Correctional administration and social legislation;

(iii) Education, rehabilitation and welfare of physically handicapped persons; and

(iv) Research into the various aspects of tribal life.

Most of the schemes relating to the Welfare of Backward Classes have been transferred to Zilla Parishads. The work regarding item (i) which is thus done at the Block or the Zilla Parishad level does not involve any specialisation as such. Items (ii) and (iii) require technical skill and specialised knowledge of the subjects. Item (iv) is obviously of an academic nature and requires detailed and planned studies of different aspects (e.g., language, customs, etc.) of tribal life.

20.2. At the Block level, the Extension Officer, Village Panchayat, attends to the Social Welfare work; while at the Zilla Parishad level there is a Social Welfare Officer with two Inspectors and clerical staff. I have elsewhere* recommended that there is no need to have an independent organisation at the Zilla Parishad level for looking after Backward Class Welfare schemes.

So far as the District Social Welfare Officer, Bombay, is concerned, the Education, Sports and Social Welfare Department has examined the workload of the Office and suggested the abolition of the posts of

* Paragraph 11.13.

one Senior Clerk and one Junior Clerk. The Department was requested to take action to abolish the posts accordingly.

The Divisional Social Welfare Offices

20.3. The Divisional Social Welfare Officer who is an officer of the rank of a Deputy Director, supervising, guiding and controlling welfare institutions and programmes in the Division, is assisted by the (i) Nomadic Tribes Welfare Officer, (ii) Special Officer (Scavengers and Sweepers Scheme), (iii) Assistant Inspector of Certified Schools, (iv) Social Welfare Inspector and (v) Lady Welfare Worker. The total number of clerks in the office is 8. The organisational set-up of the Poona Divisional Office is given in Annexure 18. The Divisional set-up was created in June 1962 in order to achieve decentralisation, to take quick decisions and to achieve better co-ordination of the various activities of the Department.

20.4. At present, Social Welfare activities at the Ziila Parishad level are mostly confined to giving aid to members of Backward Classes either in the form of educational concessions, grant-in-aid or loans. The schemes pertaining to the aid for housing, loan-*cum*-subsidy for cottage industries and professions, drinking water wells and loan-*cum*-subsidy for purchase of milch cattle, operated from the State funds under the Backward Class Welfare programme, have been discontinued from 1966-67. As regards other concessions, once the policy guide lines or specific rules are framed, nothing much is required to be done. No technical aspect is involved in the matter of granting these concessions.

20.5. It was observed that the diaries and progress reports which are called for are not properly scrutinised. Even a control chart to ensure that all diaries and progress reports are received is not maintained. Thus no useful purpose is served by these diaries and progress reports. They are not of particular help even in controlling the Correctional Wing institutions. It was further found that 60 per cent. of the inspection reports contain factual data which are generally available from periodical returns. The suggestions made are of general nature and no specific instructions or guidance is given. The Standing Committees of Zilla Parishads hold monthly meetings. If any scheme is not implemented or facilities and concessions under them not provided, the reasons for the same are explained in these meetings. Thus, there is hardly any need for the Divisional Officer to call for the Social Welfare Officer's diary or supervise the Panchayat Samiti offices for the Social

Welfare programme. With the recommendation made elsewhere* for abolition of the post of Social Welfare Officer, the progress of the Backward Class Welfare schemes will be watched by the respective Departments of Zilla Parishads.

20.6. It was found at Poona that the main purpose of tours by the Divisional Officer was to pay visits to various Social Welfare institutions like Beggars Homes, Remand Homes, etc. The Deputy Director and other officers from the headquarters of the Directorate visited the Zilla Parishad and Panchayat Samiti Offices also. The Divisional Social Welfare Officer inspects institutions for seeing their working, staff, maintenance of records, etc. while the purpose of the Deputy Director's visits to the Zilla Parishads and Panchayat Samitis is to review the progress of the implementation of the Backward Class Welfare schemes. During the year 1968, the Divisional Social Welfare Officer, Poona, toured for 138 days with 80 night halts. Thus, on an average, he toured for 11·5 days per month. On an average, he visited 12 places per month. A scrutiny of the diary of the Divisional Social Welfare Officer, Poona, for three months revealed that he visited various institutions and places mainly for the purpose of (i) finding suitable accommodation, (ii) purchase of bullocks in the cattle bazars, (iii) settling audit objections, (iv) interviewing candidates for posts of barbers, male nurses, etc and (v) attending meetings for Plan progress review. These are all administrative and non-technical matters and no other technical or specialised work was done during these visits. The question of technical guidance or supervision does not, therefore, arise. A Divisional level officer for supervising the Social Welfare work done in Zilla Parishads is, therefore, neither useful nor effective.

20.7. The Nomadic Tribes Welfare Officer, the Lady Welfare Worker and Nomadic Tribes Welfare Inspector are expected to attend to the schemes pertaining to Tribal Welfare. For the present, only the schemes of (i) Tailoring Classes for Nomadic Tribes Women and (ii) Balwadis and Sanskar Kendras for Nomadic Tribes Children are in operation. In the year 1968 for about a period of six months, the Nomadic Tribes Welfare Officer at Poona was working with the special squad for the inspection of Government and aided Backward Class Hostels. From November 1968 to May 1969, he was on tour for 7 to 8 days per month. During all this period, he was utilised for work other than that relating to the welfare of the Nomadic Tribes It was also observed that the Nomadic Tribes Welfare Officer was utilised for office work and all papers were routed through him

*Paragraph 11.13.

to the Divisional Officer. He also attends the Selection Committee meetings for recruitment of staff in different offices of Government, which are 4 to 5 per month, on behalf of the Divisional Officer. It is thus clear that the officer sanctioned for looking after the welfare of nomadic tribes is given other work. There is no point in continuing his post or that of the Nomadic Tribes Inspector. These posts may, therefore, be discontinued. The post of Nomadic Tribes Inspector at Poona was vacant. The Lady Welfare Worker at Poona visited all the six districts during the period from July 1968 to December 1968. She paid regular visits to the tailoring classes, Balwadis, Sanskar Kendras and the nomadic tribes women who were given sewing machines. These are limited activities and these institutions are also visited and inspected by the Social Welfare Officers of Zilla Parishads. The work can be entrusted to the field staff at the Panchayat Samiti level. There is not sufficient justification to continue the post of the Lady Welfare Worker. The same can be abolished.

20.8. The Special Officer and the Social Welfare Inspector for Scavengers and Sweepers Schemes attend to the implementation of recommendations made in Barve and Malkani Committee reports. At Poona, these officers work directly under the Deputy Director who looks after the Scavengers and Sweepers Scheme in the Directorate of Social Welfare. The Special Officers attached to the other Divisional Offices have inspected a small number of municipalities during the last four years. In any case, the main purpose of the staff for Scavengers and Sweepers Scheme has already been served. The practice of carrying night soil by head load has almost been discontinued. The use of wheel barrows has been introduced wherever it was possible. Whatever could be achieved by persuasion has been done. Important recommendations of the Barve and the Malkani Committee reports have been implemented. There is not much of the residuary or follow-up work to be done now. The posts sanctioned for the Scavengers and Sweepers Scheme may well be discontinued now. Whatever work remains, can well be looked after by the Directorate of Municipal Administration as scavengers and sweepers are employees of the Municipal and Local Authorities. If the proposal* for the abolition of the Directorate is approved, this work could at that stage be transferred to the Divisional Commissioners.

20.9. The Assistant Inspector of Certified Institutions is expected to carry out inspections of the institutions under the (i) Bombay

* Paragraph 37.8.

Prevention of Begging Act, (ii) Bombay Children's Act, and (iii) Moral and Social Hygiene Scheme and other Social Welfare institutions receiving grant from Government. He supervises the work of 2 clerks in the office which is of an administrative nature like sanctioning of expenditure, verification reports of stocks and stores, write-off of dead-stock and live stock and grants-in-aid. The work of release, transfer, etc. of inmates is, however, of a technical nature requiring considerable planning from the point of view of the welfare of the inmates. But, this was also handled almost in a routine way. During the year 1968, the Assistant Inspector of Certified Institutions, Poona Division, inspected only 11 institutions and that too in Poona proper. All these institutions were inspected in November. On going through the old inspection notes, it was observed that they contained more of factual information than specific instructions or guidance. The Correctional side of Social Welfare requires specialisation. Instead of the Assistant Inspector of Certified Institutions being attached to the Divisional Office, where he is not effectively utilised, his place would more appropriately be in the Correctional Wing of the Directorate in respect of which my proposals follow later.

20.10. In Poona Division, there were 37 Government institutions under various Acts and 7 Backward Class Hostels. Except in the case of the Correctional institutions, no technical skill or specialised knowledge of the subject is required. During discussions, the Zilla Parishad authorities indicated that there would be no difficulty if the Government Backward Class Hostels are transferred to the Zilla Parishads. By doing so, there would be more effective control over such institutions. The existing arrangement under which the problems of inmates are being tackled from the Divisional level tends to create unnecessary paper work. It is, therefore, recommended that Government Backward Class Hostels may be transferred to the Zilla Parishads.

20.11. It was further observed that the present workload does not justify the existing clerical strength in the Divisional Office. Copies of all references sent to the Divisional Office are received by the Directorate also. Thus, all the information required is already available at the headquarters. The Divisional Offices are rarely used for consolidation of reports, etc. required by the Directora There is obviously duplication of work at these two levels avoid this duplication and for better control over the So institutions, and also for proper utilisation of the ava

it is suggested that the Divisional Offices of the Social Welfare Department may be discontinued and the work of technical guidance and supervision may be carried out with the help of functional officers in the Directorate.

State Level

20.12. The Directorate of Social Welfare was formed in 1957 by merging the office of the Chief Inspector of Certified Schools with the Directorate of Backward Class Welfare. In 1958, the work relating to the education of the physically handicapped was also entrusted to the Directorate of Social Welfare. The Directorate has three wings, viz., (i) Backward Class Welfare Wing, (ii) Correctional Administration Wing, and (iii) Wing for the welfare of the physically handicapped and mentally retarded. At the headquarters, the Director is assisted by four Deputy Directors and seven Assistant Directors. In addition, there are two Administrative Officers, two Statistical Officers, one Special Officer, two Research Officers and four Inspectors of Institutions for the Physically Handicapped, all in Class II.

Backward Class Welfare Wing

20.13. The work relating to the Backward Class welfare schemes is done at the Village, Block and Zilla Parishad levels. The office at the State level has only to issue guidelines for the implementation of the policy of Government, frame rules and maintain co-ordination. With the transfer of the State-run Backward Class Hostels to Zilla Parishads as recommended earlier, the items of work which will remain at the State level will be : (i) Budget, Planning and Co-ordination, (ii) Collection of statistics, reviews and progress reports, (iii) Tribal research, (iv) Land matters of Backward Class Co-operative Societies, (v) Policy regarding Backward Class Hostels, and (vi) Grant of freeships and Government of India scholarships.

20.14. In the Backward Class Welfare wing, there are two Deputy Directors, one of whom looks after the welfare schemes for sweepers and scavengers and another officer of the status of Deputy Director called Chief Research Officer is in charge of tribal research. Since it has been recommended that the work relating to the welfare of sweepers and scavengers may be entrusted to the Directorate of Municipal Administration, the post of Deputy Director for this work and the staff under him would not be necessary ; if the proposal* for the abolition of the Directorate is approved, the work could at that stage be transferred to the Divisional Commissioners.

* Paragraph 37.8.

Employment of Backward Class Candidates

20.15. The Social Welfare branches of the Zilla Parishads as also the office of the Director of Social Welfare maintain employment registers for enlisting Backward Class candidates seeking employment. The intention is that the Social Welfare Officers in the State and Zilla Parishad sectors should assist Backward Class candidates in securing employment. Government also maintains Employment Exchanges which register applicants for providing employment As regards Backward Class applicants, the Exchanges maintain separate registration cards for Scheduled Castes/Scheduled Tribes candidates. The registration cards of other Backward Class candidates are stamped so as to facilitate their identification. It is thus evident that there is not only duplication of work in the offices of the Social Welfare Department at different levels, but also overlapping of functions of the Employment Exchanges and the Social Welfare Department so far as registration of Backward Class candidates is concerned.

20.16. There are some distinct advantages to Backward Class candidates themselves if they are registered in the Employment Exchanges. The advantages are :

(i) The Employment Exchanges can forward a list of Backward Class candidates to offices not only against "reserved vacancies" but also against unreserved vacancies.

(ii) The Exchanges can provide wider scope for employment opportunities, as they cater for vacancies in the Central and State Government Offices as well as for situations in semi-Government and private offices.

20.17. If Employment Exchanges only are used for registration and placement of Backward Class candidates in employment, the possibility of candidates registered later by the Social Welfare Department being placed earlier than those registered earlier at the Employment Exchanges would be avoided. Further, as the use of statistics compiled by the Exchanges is made for national planning, it does not seem desirable to have an additional agency for compiling statistics for the same purpose.

20.18. I, therefore, recommend that the work of registration of Backward Class applicants may be entrusted exclusively to the Employment Exchanges and the appointing authorities directed to refer to the Employment Exchanges for Backward Class candidates. The existing orders, under which the appointing authorities are required to call for the names of Backward Class candidates ...

the various offices of the Social Welfare Department, may be withdrawn. The staff now engaged on this work and at various levels in that Department would then not be necessary.

20.19. It has been recommended that the offices of the Divisional Social Welfare Officers at the regional level may be discontinued. It would, therefore, be necessary to have one Deputy Director at the headquarters so that the work relating to the welfare schemes of Backward Classes can be looked after from the headquarters without inconvenience. The post of Deputy Director for sweepers' and scavengers' welfare which is considered surplus can be diverted for this purpose. The two Deputy Directors at headquarters would require assistance of three existing Assistant Directors and one Statistical Officer (Class II).

20.20. The work relating to the grant of Government of India scholarships has increased considerably in recent years. Besides, it is complex in nature as the Directorate has to be alert against misuse of the concessions and fraud in obtaining the same. Upto the end of 1967-68, over 800 of such cases were detected and steps taken to blacklist the miscreants. At present, this work is looked after by a Special Officer, who is in the grade of Social Welfare Officer. Looking to the responsibilities and the volume of work, it is necessary to upgrade the post of Special Officer to that of Assistant Director.

20.21. The existing arrangements for the tribal research section, viz., Chief Research Officer and two Research Officers (Class II), may continue.

20.22. There is one non-gazetted post of Cultural Officer for attending to cultural activities. As schemes for similar activities are framed by the Recreation Committee also, there is duplication of work in retaining these activities in the Directorate of Social Welfare. The matters like encouragement to the art of wrestling and payment of grants to physical welfare institutions form part of physical education work and they may be transferred to the Education Department along with the Cultural Officer.

Correctional Administration Wing

20.23. Elsewhere* it has been recommended that the work relating to Probation of Offenders Act, Habitual Offenders Act and that relating to after-care may be transferred to the Prisons Department.

* Paragraph 30.32.

Only the work relating to prevention of crime including the administration of Children's Act will then remain with this Department. Though the Children's Act has been on the statute book for many years, its implementation leaves much room for improvement. The removal of the work relating to adult criminals will allow this Department to concentrate on preventive work. The wing may be renamed as the Preventive Administration Wing; and may be strengthened by the addition of four Assistant Inspectors of Certified Institutions, four Senior Clerks and four Junior Clerks. The Deputy Director (Correctional Administration) and the Probation Superintendent may be transferred to the Prisons Department together with the subordinate staff dealing with probation and after-care work.

Wing for the Welfare of the Physically Handicapped and Mentally Retarded

20.24. For the work relating to the welfare of the physically handicapped and mentally retarded, the existing posts of one Deputy Director and four Inspectors of Institutions for the Physically Handicapped may continue.

Recommended Set-up

20.25 The existing officers whose services are utilised by all the three wings of the Department are (i) Assistant Director (Administration), (ii) Organisation and Methods Officer, and (iii) Chief Audit and Accounts Officer. These Officers would be required in the revised set-up also. The distribution of officers in the three wings on the basis of the aforesaid recommendations will be as follows:

(I) *Backward Class Welfare Wing* :

(a) Backward Class Welfare Section—
Two Deputy Directors,
Three Assistant Directors,
One Statistical Officer (Class II).

(b) One Assistant Director (for Government of India Scholarships).

(c) Tribal Research Section—
Chief Research Officer,
Two Research Officers (Class II).

(II) *Preventive Administration Wing* :
Three Assistant Directors,
Four Assistant Inspectors of Certified Inst'
One Statistical Officer (Class II).

(III) *Wing for the Welfare of the Physically Handicapped* :

One Deputy Director,

Four Inspectors of Institutions for the Physically Handicapped.

Institutions under the Backward Class Welfare Wing

20.26. There are 41 Government Backward Class Hostels in the State (as reported in September 1969), of which 29 are girls' hostels. Government Backward Class Hostels have been established in all the districts of the State except Ratnagiri, Sholapur and Akola. Barring the hostels situated at the Divisional headquarters, all hostels have been housed in private buildings. The Education, Sports and Social Welfare Department has stated that it is becoming increasingly difficult to secure adequate and suitable accommodation for the hostels, with the result that the actual number of inmates in the hostels is considerably less than the sanctioned strength. The hostels have been established with a sanctioned strength of 150, 120, 75, 50 or 25. The hostels at the Divisional headquarters with the sanctioned strength of 150 or 120 are nearly full, but some of the other hostels have a smaller number of inmates than the sanctioned strength. At the time of the present enquiry, 11 hostels with a sanctioned strength of 75 each had an actual strength ranging from 12 to 30, and two girls' hostels with a sanctioned strength of 25 each had only 11 and 7 inmates respectively.

20.27. The normal staffing pattern of a Backward Class hostel is as follows :

Designation		No. of Posts
Warden	...	1
Junior clerk	...	1
Cook	...	1
Maid servant	...	1
Peon	...	1
Sweeper	..	1
Watchman	...	1

In addition there is a Gazetted Class II post of House Master sanctioned for the hostels at the Divisional headquarters.

20.28. Government has decided to introduce the contract system for supply of meals to the inmates of all Government Backward Class Hostels in the State. As and when the contract system is introduced, the posts of cook and maid servant will be abolished.

20.29. Since, with the scarcity of accommodation, the actual strength falls short of the sanctioned strength, it is only appropriate that the staff should be regulated on the basis of actual strength only. Further, it does not appear necessary to sanction a junior clerk and a peon for hostels with a strength of 30 inmates or less. The Warden of the hostel ought to be able to perform the clerical work involved in running the hostel and utilise the services of the watchman for work for which the post of peon was intended. Except at the time of admission of students, the Warden is not likely to be heavily worked and could well do the clerical work. As regards admission work, if the applications are called well in advance, the work could be phased and the daily workload reduced. Suitable provision should also be made in the hostel rules to enable the Warden to take clerical assistance from any inmates, excepting those who have University examinations in the year. The posts of junior clerk and peon may, therefore, be discontinued at hostels with 30 or less inmates.

Institutions under the Correctional Administration Wing

20.30. The Education, Sports and Social Welfare Department recently carried out a review of the staff position and the population (number of inmates) of different correctional institutions with a view to effecting economies in the administrative expenditure on these institutions as well as to their efficient working. Several Beggars Homes, District Shelters, etc. were closed and their inmates transferred elsewhere. The reduction in expenditure effected is estimated to be about Rs. 3·88 lakhs per annum on account of staff and about Rs. 9·27 lakhs per annum on account of other expenditure. The existing staff strength of [illegible] institutions is not based on any standard [illegible] tions. The need for devising such standard [illegible] after the transfer of the inmates and [illegible] recently to other institutions. The [illegible] therefore, requested to suggest [illegible] institutions. In the light of his [illegible] on received from the Education [illegible] ment, the following staffing [illegible]

(i) *Superintendent* [illegible] a Superintendent [illegible]

(ii) *Deputy or* [illegible] Welfare has [illegible] the Beggar [illegible]

a population of 50 to 100. There is no need for this post at institutions with a sanctioned strength of 200 or less, which could well be looked after by the Superintendent himself. The post of Deputy/Assistant Superintendent existing at a few such institutions may, therefore, be abolished; for example, at the Government Certified School for Girls, Nasik (strength 150) and State Home for Women, Sirur (strength 100).

(iii) *Case Worker.*—The Director of Social Welfare has suggested that there should be one Case Worker for 100 inmates in a Beggars Home for able-bodied inmates with a strength of 400; one for 50 inmates in Beggars Homes for the handicapped, Government Certified Schools (except those for the handicapped, mentally retarded, etc.), State Homes, Protective Homes and Corrective Settlements; and one for 25 inmates in Certified Schools for the handicapped, mentally retarded, etc. with a strength of 50 to 100. The existing strength of Case Workers at the various institutions falls far short of the pattern suggested.

It is understood that no evaluation of the work of Case Workers has been carried out so far, though the Divisional Social Welfare Officers and other inspecting officers examine their work in the course of their inspections. The Department has difficulty in retaining the Case Workers, as they leave for better jobs at the earliest opportunity in view of the limited promotional prospects in the Department. It was contemplated that the Case Worker would perform important duties, namely, studying the background and history of the inmate, establishing rapport with him, helping him to solve his problems and to rehabilitate himself in life and taking all steps needed for this purpose including follow-up action after the release of the inmate. In actual practice, the Work Study Team has found that the Case Workers engage themselves mostly in routine administrative and clerical work and there has been no attempt to do justice to the tasks they were contemplated for with a view to the rehabilitation of the inmates. The present Director of Social Welfare is, however, convinced that a Case Worker has a vital role to play in the total correctional process and has recommended their continuance. He is also currently carrying out a review of the entire Correctional Administration and assures me that Case Workers will be fully utilised for the purpose for which they are appointed. In proposing a rational system of administration, however, it is not feasible to suggest an organisation on the basis of an assurance given by an individual officer at the helm who has just taken charge of the post and whose tenure is uncertain, however

capable and earnest he may be. If the Case Workers during all these years have not produced any worthwhile results, the proper course would be to abolish the cadre. This would be clear if a little thought is given to the question as to what the total correctional process referred to by the Director comprises. Part of this process, namely, getting to know the family background and individual case history of the inmate, gaining his confidence, understanding his deficiencies as well as potentialities, may present no serious difficulty to a Case Worker. But the end result sought to be secured by this process, namely, the rehabilitation of the inmate in a gainful occupation, is difficult of achievement, because it depends on the financial resources and other assistance that can be secured for the rehabilitation of the beggars and delinquents. For instance, the case study of a handicapped beggar might lead to the conclusion that he could be turned into a good and useful citizen if he is given tailoring instruction and looking to his physical handicap provided with a sewing machine operated by an electric motor. His rehabilitation would then involve, apart from the tailoring instruction, the purchase of a sewing machine, providing him with accommodation in which to install it and carry on his business, and so on. If this aspect of the correctional process is considered, it would be difficult to say that in existing conditions Case Workers concentrating on knowing the cause can deliver the goods. If the Department can secure the proper climate for a Case Worker to function so as to achieve the object of rehabilitation, the experiment of fully utilising the services of Case Workers for a period of three years or so in this climate may be given trial at about half a dozen select institutions, at least one in each Revenue Division, and the results evaluated before the cadre is extended to other institutions. The present cadre of Case Workers as matters now stand serves little purpose and can well be abolished.

(iv) *Assistant.*—The Director has proposed a post of Assistant for Protective Homes and Corrective Settlements with a strength of 50 each, for State Homes with a strength of 50-100 and for Reception Centres with a strength of 25. The post may be sanctioned except for Reception Centres with a strength of 25 ; the Superintendent in charge of these Reception Centres should not need the services of an Assistant.

(v) *House Father/Mother/Matron.*—This post may be sanctioned at the rate of 1 for 25 inmates in the case of certified schools for the handicapped, mentally retarded, etc. with a [illegible] to 100 and at the rate of 1 for 50 inmates [illegible]

schools. This would involve increase in the number of posts at certain institutions.

(vi) *Ministerial staff.*—The pattern proposed by the Director of Social Welfare is top-heavy in that it is proposed to have 1 Head Clerk for every 100 inmates in the case of Beggars Homes for the Handicapped and Certified Schools for Delinquents and 1 Head Clerk for every 200 inmates in the case of other Beggars Homes and Certified Schools with a strength of 400; a post of Accountant is also proposed on the same scale. In addition, a post of Office Superintendent is proposed for Beggars Homes with a strength of 400. This would give 2 or more Head Clerks as well as 2 or more Accountants to institutions with a strength of 400 or more. It is advisable to provide for a pyramidal pattern with a Head Clerk and an Accountant where necessary and the required complement of Senior Clerks and Junior Clerks. The following pattern of ministerial staff is recommended :

Sanctioned No. of inmates	Accountant	Head Clerk	Senior Clerk	Junior Clerk (including Store-keeper)
25 to 60	....	....	....	1
100	....	....	....	1
140 to 160	....	....	....	2
200	....	....	1	2
400	....	1	2	4
700	1	1	3	6

(vii) *Other Categories of Staff.*—There are various other categories of staff like Printing Instructor, Workshop Supervisor, Agricultural Assistant, Oil Engine Driver, etc. The strength of personnel in these categories would depend on the type of industry or craft in which instruction is given to inmates etc. No standard pattern is, therefore, suggested in respect of such personnel.

ANNEXURE 18

(*Vide* para. 20.3)

Chart showing the organisation of the Office of the Divisional Social Welfare Officer, Poona, as on 1st April 1969

Divisional Social Welfare Officer

- Nomadic Tribes Welfare Officer
  - Social Welfare Inspector
- Assistant Inspector of Certified Institutions
- Special Officer
  - Social Welfare Inspector

	Social Welfare Inspector (Nomadic Tribes Welfare Officer)	Assistant Inspector of Certified Institutions	Social Welfare Inspector (Special Officer)	Total
Office Superintendent ..	..	1	....	1
Head Clerk ..	..	1	....	1
Senior Clerk ..	1	3	....	4
Clerk ..	1	7	....	8

		Total
Other Staff:	Stenographer ..	1
	Lady Welfare Officer (N. T. W. Section). ..	1
Class IV Staff:	Poons ..	7
	Attendant ..	1
	Night Watchman ..	1
	Part Time Sweeper ..	1

PART V

OTHER DEPARTMENTS AND OFFICES

CHAPTER 21

INTRODUCTORY

21.1. In this part it is proposed to deal with the Public Service Commission and those departments and offices of Government which have not been dealt with in the earlier Parts III and IV dealing with the Development Departments which are closely linked with the Panchayati Raj Administration, as also other departments which have not so far been considered as Development Departments. A number of these departments and offices have come in for scrutiny by the Administrative Reorganisation Committee and by other expert bodies and experts to which reference has been made in the first Chapter. As observed earlier,* it could not have been the intention that the enquiry entrusted to me should cover afresh the fields already covered by the Administrative Reorganisation Committee and its panels and the other expert bodies and experts. In this part, I shall, accordingly, deal with those departments and offices which have not been looked into either by the Administrative Reorganisation Committee and its panels or by any other expert persons or bodies. In this category, I also include some departments and offices whose organisation has not been studied or commented upon in the Report of the Administrative Reorganisation Committee though the Committee may have made recommendations on some aspects of the work of these departments and offices. In the last Chapter in this part, namely, Chapter 40, I shall deal with some of the departments and offices which have already been dealt with by the Administrative Reorganisation Committee, or other expert bodies but only confine myself to considering some suggestions or developments which have occurred after the Report of the Administrative Reorganisation Committee, or other reports referred to.

*Paragraph 1.30.

CHAPTER 22

THE PUBLIC SERVICE COMMISSION

Functions of the Commission

22.1. The functions of the Public Service Commission are two-fold, viz., to advise Government when consulted in matters of recruitment, promotion, disciplinary action, etc. on which it is required to be consulted according to the provisions of the Constitution and to select candidates for appointment to the various services and posts under Government (as also to certain posts under the Bombay Municipal Corporation).

Delay in Recruitment

22.2. There is a general complaint that the procedure of recruitment through the Commission is subject to enormous delays. In some cases, the interval between the date on which an indent is sent to the Commission and the date when candidates selected by the Commission are appointed extends to more than a year, with the result that the candidates recommended for appointment by the Commission if they secure alternative appointments in the meanwhile are not available. The Commission is then requested to recommend the next available candidate and if no such candidate is available, to re-advertise the post. The delay also gives rise to the complication that the candidate appointed on a temporary basis pending recruitment through the Commission continues in the appointment and, when ultimately he is replaced by the candidate selected by the Commission, he has to his credit a reasonably long service and, therefore, has a sense of grievance that he is required to leave the post after such service.

22.3. Part of the delay in making appointments is due to the fact that, even after receiving the recommendations of the Public Service Commission, the Departments take their own time for finalising the selection. The Departments first obtain the orders of Government

whether or not the recommendation should be accepted. After Government decides to accept the recommendation, a reference is made to the Police for obtaining character report of the candidate. On receipt of such a report, if the report is favourable, the candidate is asked whether he is willing to accept the appointment. After he signifies his willingness, he is asked to undergo a medical examination and the orders appointing him are issued only after a favourable report of the Medical Board is received. Sometimes, further time is lost if the candidate stipulates any conditions such as grant of a higher starting pay, as these conditions have to be sorted out in consultation with the Finance Department or other Department concerned. In the result, the orders issued by Government that the Departments should issue the appointment orders within one month of the receipt of the Commission's recommendations remain on paper.

Curtailment of the Delay

22.4. The Administrative Reorganisation Committee has made the following recommendations in this regard in paragraph 4.20 of its Report :

> " A study should be made as to how the period required for selection could be reduced. One of the suggestions in this regard might be the introduction of simpler tests in place of the present examinations for certain types of posts. The various stages preceding the issue of orders of appointment should also be carefully examined and measures taken to reduce the time required for each stage and wherever possible to take simultaneous action for completion of different stages. In the case of non-gazetted employees, verification of antecedents should not be necessary and the purpose in view could be served by means of a suitable entry in the application form. "

Government has accepted the recommendation to take measures to reduce the time lag between the holding of the examination and issue of orders of appointment. As regards verification of antecedents, Government has decided that cases where such verification is not necessary may be catalogued and a list of posts where antecedents can be checked after appointment may be drawn up. It should be possible to adhere to the time limit of one month already prescribed for the issue of appointment orders if the Departments take prompt action to process the case as soon as the Commi recommendations are received.

22.5. The scope for reducing the time taken in the Commission's Office has been examined. According to the Commission, the delay in many cases is due to the time taken by the Secretariat Departments to reply to the back references made by it. The indents or requisitions received by the Commission from Government are sometimes found to be incomplete or not in accord with the prescribed recruitment rules. The scrutiny of the requisitions, obtaining clarification from Government where necessary and issue of the advertisement for the posts takes the Commission's office about a month. This period could be curtailed if the Departments ensure that the requisitions sent to the Commission satisfy all the requirements and they are prompt in furnishing any clarification that may be sought by the Commission.

22.6. The Departments also contribute to the delay in cases where any of the candidates applying for the posts is a Government servant and his confidential records are called for by the Commission. It is reported that in one case the Commission was unable to send its recommendations for about a year, though they had almost been finalised, because the confidential records had not been received from Government. This points to the need for keeping the confidential records of Government servants up-to-date and also for prompt supply of records to the Commission whenever required.

22.7. According to the Commission, at least a month has to be given to the candidates for submission of applications. In the case of recruitment by competitive examination, sufficient time has to be allowed to the examiners for setting question papers and, after the examination, for assessing the answer papers. At least two weeks' notice is considered necessary for a candidate to be called for interview. The main delay in the Commission's office seems to occur at the stage of scrutiny of applications received in response to the advertisement. The Assistant concerned finds himself flooded with applications. Each one of these requires to be carefully scrutinised and very often correspondence has to be entered into with the candidates in respect of wanting documents (which may have been submitted by them to other authorities) and other points. The Assistant concerned with the scrutiny of applications may require extra assistance, but it is not possible to draft extra hands from other branches because recruitment work proceeds simultaneously in all the branches. The Commission has proposed to Government that extra staff should be sanctioned which should be rotated from branch to branch according to the pressure or volume of work.

22.8. The Commission feels that the minimum time required for forwarding its recommendations to Government, counted from the date of receipt of the requisition, would be 9 months in the case of recruitment by competitive examination and 6 months in other cases of recruitment, provided the additional staff proposed by it is made available. These periods are exclusive of the time taken by the Secretariat Departments in giving replies to references made by the Commission and in supplying confidential records of candidates already in Government service

22.9. The Commission's request for some extra staff for being used as a rotating unit merits consideration. As the period of 9/6 months referred to is the minimum required by the Commission, the Secretariat Departments should see that there is no delay on their part in the observance of the procedures leading to the appointment of the selected candidates. Further, as recommended by the Administrative Reorganisation Committee, there should be advance planning of recruitment on the basis of a proper forecast of the requirements for each category of posts and the minimum time required by the Commission for selection of candidates should be duly taken into account in such advance planning. From the fairly large number of cases in which leave is refused on "administrative grounds" when asked for preparatory to superannuation and also cases of extension and re-employment, it would appear that even *planning for known contingencies is not made in advance. If* planning in such cases is taken in hand 12 to 15 months in advance of the known superannuation dates, resort to "refused leave" and re-employment or extension would be reduced to a minimum

Recruitment of Clerks

22.10. At present, recruitment to the clerical services in Greater Bombay is made through the Public Service Commission. In view of the large number of candidates appearing for the examinations conducted in connection with this recruitment, a disproportionate amount of time and energy of the staff of the Commission is spent on these examinations. The total number of candidates appearing for these examinations is more than the number of candidates appearing for all other examinations held by the Commission taken together. The Work Study Team of the General Administration Department which examined the question of recruitment of clerical staff in Greater Bombay suggested that Government may consider whether this recruitment should not be made through the Employment Exchanges, with the stipulation that the candida

have passed in certain specified subjects and obtained a certain minimum percentage of marks at the Secondary School Certificate Examination. The suggestion is in conformity with the objectives of the establishment of Employment Exchanges and would result in their fuller utilisation. Besides, the utilisation of the resources available to the Public Service Commission to the optimum level would be facilitated if the Commission is absolved of this burden. I, therefore, commend this suggestion.

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CHAPTER 23

DEPARTMENTS AND OFFICES RESPONSIBLE TO GOVERNMENT IN THE GENERAL ADMINISTRATION DEPARTMENT

The State Vigilance Commission

23.1. The State Vigilance Commission was set up in August 1964 The activities of the Commission were temporarily suspended after the demise of Shri N. T. Mone, the then Vigilance Commissioner, in June 1967. Thereafter the office of the Commission continued for some time with a skeleton staff consisting of a Secretary, an Assistant, a clerk and a peon. The post of Secretary was held by an Under Secretary in the General Administration Department in addition to his own duties as Under Secretary. The office staff was also working in the General Administration Department. The skeleton staff was being continued pending a final decision on the question of revival of the Commission or creation of an alternative machinery for the redress of the citizens' grievances against public servants, to enable the members of the public to continue to address the Vigilance Commission in regard to their complaints. It was, however, observed that the complaints received by the Vigilance Commission's Office were merely passed on to the concerned Administrative Departments of the Secretariat for disposal. An interim recommendation by me that the public might be suitably notified that the Vigilance Commissioner's post has been held in abeyance pending the setting up of alternative machinery which was under the consideration of Government and that the office might be abolished was not accepted. If I may say with respect, the fact that the post of Vigilance Commissioner was vacant after the demise of Shri Mone was public knowledge and nothing would have been lost if the public had been notified as recommended me. The staff still continues, though idle. It could well with and a new office set up if and when a Lokayukta

Technical Development for certificate of non-availability of similar indigenous products, the Director General of Supplies and Disposals and other subordinate authorities which the Central Ministry may feel it necessary to consult, such as the Director General of Health Services in the case of hospital equipment to be imported from abroad. In many of these cases delay in procurement of the required goods involves loss of production owing to machinery remaining idle for want of spares, or other serious consequences. The State Government Departments are, therefore, anxious to get these cases cleared expeditiously.

23.8. The main difficulty in the clearance of these cases arises from failure to follow meticulously the procedures prescribed for obtaining import licences. In a large majority of cases, the State Government officers seem to be unaware of the requirements, with the result that the Chief Controller of Imports and Exports finds a number of lacunae and returns the cases to the Ministry concerned asking for further particulars. It is desirable that the responsibility for this state of affairs should be squarely brought home to the officers sponsoring the proposals whose business it is to acquire thorough knowledge and understanding of the prescribed requirements and to comply with them.

23.9. Another factor contributing to the delay is that, as borne out by the experience of the Special Commissioner and Deputy and Assistant Special Commissioners, cases do not move in the office of the Chief Controller of Imports and Exports or Director General of Supplies and Disposals unless the applicants approach the officers concerned and have their cases considered. Sometimes the delay in the Ministries is due to the difficulties of tracing previous references. Some of the Ministries of the Government of India are each as big as the State Secretariat. They have become so large that it was reported that central diarising of letters received by the Ministries has been given up. A letter received by one section may be passed on by it to several sections one after the other in case it is not clear which section should deal with the matter. In such a case, the letter would be diarised only in the section in which it is finally accepted. Subsequent reminders in pursuance of the letter may undergo the same fate and may also get lost or landed in the wrong section.

23.10. Owing to the aforesaid difficulties, it has become necessary for State Governments as also for Public Corporations to appoint their own Liaison Officers at Delhi to look after their pending work.

It is, however, noteworthy that in most of the cases in which such personal intervention by the Liaison Officers is found necessary, the decision making level or officer in the Government of India is generally of and below the rank of Under Secretary and in some cases that of Deputy Secretary. The cases hardly go above the rank of Deputy Secretary. In the circumstances, a Special Commissioner or Liaison Officer of the rank of a Secretary to Government would either have to contact officers very much below him in rank or do nothing himself, allowing his assistants to carry on the liaison work. It is, therefore, evident that an officer of Secretary's rank is unsuitable and superfluous for the work.

23.11. Other types of cases involving liaison with the Government of India offices relate to obtaining the President's prior approval to Bills, assent to Bills, etc., delegation and deputation of Ministers and officers abroad and other cases in which the Government of India's approval or sanction may be urgently needed. It would be interesting to note that the Special Commissioner has at times been pressed to pursue proposals for the visits of Ministers and high officials to foreign countries and to secure the clearance for them, though the procedure in which the proposals are initiated is contrary to the directions of the Ministry of Foreign Affairs or of Finance. The proposals may relate to a team which is too big; the particular project to be benefited by the visit may not be mentioned in the proposals; the preliminary work by technical experts may not have reached the stage where a foreign visit would achieve results. Similarly the high pressure work which the Liaison staff has to carry out in connection with the visits of State Government Officers abroad for training etc. is not inconsiderable. Further, since the offices have now been amalgamated, the Liaison staff has also to attend to the personal needs of the V. I. P.s occupying the suites in the Maharashtra Sadan, though this is not their legitimate work, for fear of offending the V. I. P.s.

23.12. Having regard to the actual state of liaison and other work and the conditions in which it is transacted, I recommend that the offices in question may be reorganised on the following lines. The post of Special Commissioner may be abolished. There is also no advantage gained in bringing the three Units (the Liaison Office, the Maharashtra Information Centre and the Office of the [illegible] ger Maharashtra Sadan) under a single officer, especially [illegible] of these Units are distinct and separate, involving [illegible] of ordination. Nor has it proved to be economical [illegible] te offices, as can be seen from the fact that the [illegible]

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23.10. Owing to the aforesaid difficulties, it has become necessary for State Governments as also for Public Corporations to appoint their own Liaison Officers at Delhi to look after their pending work.

Though fresh requisitioning of vacancies in residential premises in Greater Bombay has been stopped by Government as a matter of policy, there are still about 3,000 premises under requisition. The staff of the Controller of Accommodation is concerned with the periodical check-up of the residential premises, receipt of compensation of the premises and its payment to the landlords every month, allotment of vacant premises in the requisitioned pool to Government servants, etc. Besides maintenance of the requisitioned premises, the Controller of Accommodation has also been entrusted with the work of requisitioning non-residential premises required for Civil Supplies and Co-operative purposes and for other Government offices connected with plan activity. In the Districts, Collectors have been authorised to requisition shops, godowns and office accommodation required for the Government's Civil Supply Scheme The appeals made to Government against the fixation of compensation for such premises by the Collectors are also dealt with in the Controller's Office.

23 16. The Controller is assisted by an Assistant Controller and a Compensation Officer. The main function of the latter is to fix the compensation of requisitioned premises, including reduction of compensation claimed where premises could not be fully used or have deteriorated, and to ensure the regular payment of compensation to the landlords. The office had on the 1st August 1968 a staff of 3 Accommodation Officers, 7 Inspectors and 2 process servers and also a ministerial staff comprising 2 Superintendents, 8 Assistants, an Enquiry Officer in the Assistant's grade, a Stenographer and 18 clerks and typists, and Accounts staff consisting of a Head Accountant, a Deputy Head Accountant, 4 Accountants and 8 Cashiers and Accounts Clerks.

23.17. The General Administration Department was requested to review the working of the office and suggest reorganisation where necessary. The following proposals made by the Department have been agreed to by me .

(i) The work of the Compensation Officer has become more or less routine, as there are very few cases of fresh requisitioning calling for fixation of compensation. The posts of Assistant Controller and Compensation Officer might be combined, if necessary by delegating some of the functions of the Assistant Controller to the Accommodation Officers.

(ii) In case the foregoing proposal cannot be implemented, one of the three posts of Accommodation Officers may be abolished

and the existing three zones in charge of these Officers may be reorganised into two. The two posts of Assistants attached to the Accommodation Officer should also then be retrenched.

(iii) One of the 7 posts of Inspectors may be reduced.

(iv) The post of Enquiry Officer may be abolished, as those occupying requisitioned premises are by now familiar with the requirements of the Department and it would not be necessary to have any special officer for guiding persons visiting the office.

(v) The vacant post of Stenographer may be retrenched as proposed by the Controller.

23.18. The proposal at (i) in the foregoing paragraph would be in order provided the combined post is filled by the appointment of a person from the executive side with experience of quasi-judicial work, and not from Secretariat hands. I have also discussed the proposals with the Controller of Accommodation and I am satisfied that there is little scope for reduction in the posts of Accommodation Officers and Inspectors so long as suppressed vacancy enquiries continue as at present. The proposals at items (iv) and (v) in the foregoing paragraph are in order. The posts of an Accommodation Officer, a Superintendent, an Assistant and a Stenographer have already been abolished under orders of the Chief Secretary before the present enquiry was completed. The surviving proposals are now recommended.

23.19. It has been recommended elsewhere* that all Executive Heads of Departments with the exception of the Chief Electoral Officer and the Director of Rehabilitation should cease to have Secretariat status. The *ex-officio* status of Deputy Secretary to Government has been conferred on the Controller of Accommodation mainly because he is entrusted with the work of examining and submitting to Government the appeals preferred by the aggrieved parties against the orders of the Collectors passed in exercise of the powers delegated to them under sections 5 and 6 of the Bombay Land Requisition Act, 1948. As *ex-officio* Deputy Secretary, the Controller of Accommodation also calls for reports from Collectors on representations received by Government from landlords and allottees and also deals with mofussil court cases. Ordinarily all this work could have been dealt with by a Secretariat Officer and staff in the Administrative Department, namely, the General Administration Department and it would not have been necessary to confer Secretariat status on the Controller. It has,

*Paragraph 6·7.

however, been found convenient to entrust the work to him, as he already has considerable expertise in the administration of the provisions of the Land Requisition Act. Moreover, the volume of work under the Act having fallen, he has also the time to deal with this work, his work as Controller being insufficient to keep him fully occupied. In the circumstances, the existing arrangement may continue as an exception to the general principle referred to earlier.

The Aviation Department

23.20. The Aviation Department was set up in 1954 to look after the maintenance of the State Government's aircraft, which work was previously done through private agencies and the Indian Airlines Corporation. The aircraft are used to provide speedy transport for the Governor, Ministers, senior officers, etc, particularly to places not served by the scheduled air services. The fleet of aircraft at present with the Department comprises a Dakota (purchased in 1967), a Bonaza and a helicopter. The helicopter is in an unserviceable condition. It is, however, proposed to purchase one more twin engined plane and two helicopters and to dispose of the Bonaza as soon as the twin engined plane becomes available. Steps are also being taken to dispose of the old helicopter.

23.21. The Department is headed by an Aviation Adviser. The post was held by the late Commandant General M J B Maneckji in an honorary capacity till he resigned in May 1969 The post was held in abeyance thereafter and a temporary post of Director of Aviation in the grade of an Under Secretary to Government was created. The latter post was held by one of the Under Secretaries in the General Administration Department in addition to his own duties. The post of Aviation Adviser to Government has now been revived on a part-time basis with effect from the 1st June 1970 (the temporary post of Director of Aviation being abolished from the same date).

23.22. The Aviation Adviser is assisted by a Chief Pilot and a Senior Commander, technical staff of a Maintenance Supervisor, an Electrical and Communications Superintendent, two Senior and two Junior Mechanics and a small complement of ministerial staff A number of posts in the Aviation Department which were lying vacant have been abolished by Government in July 1970, viz, the posts of Chief Ground Engineer, Deputy Chief Ground Engineer, part-time Engineer, Senior Mechanic, Radio Mechanic, Senior Stenographer, Clerk-typist and the posts of a peon and 3 cleaners

and the existing three zones in charge of these Officers may be reorganised into two. The two posts of Assistants attached to the Accommodation Officer should also then be retrenched.

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of Government offices is minimal. For improving the working efficiency damaged by the constant induction of untrained staff, systematic training to cadres at different levels is necessary.

23.29. There is need for proper co-ordination in the planning of all such training programmes in the various Departments and supervision in their execution. The Administrative Staff College is the appropriate agency for these functions. It may be necessary to strengthen the Administrative Staff College to enable the Director of the College, who is also the Director of Training, to discharge these responsibilities effectively. Any expenditure on the strengthening of the College for this purpose and on measures to organise practical training programmes on a wide scale would be more than amply repaid by the resulting increase in efficiency.

I may add that it is not intended that the Heads of Departments should be relieved of their responsibilities for the training courses. They would have the primary responsibility therefor since these courses are concerned with the technical know-how of the jobs required to be done. They would have the major responsibility for planning the courses, prescribing the syllabus, providing facilities for training and selecting the right Departmental Officers to be placed in charge of the training courses and school if any.

The Directorate of Archives and Archaeology

23.30. The Directorates of Archives and Archaeology are in the charge of one officer, who is designated as the Director of Archives and Archaeology. As Director of Archives, he functions under the General Administration Department, while as Director of Archaeology, he functions under the Education, Sports and Social Welfare Department. A question was raised whether the clubbing of the two departments together under one Head of Department has affected the working of both the Departments. One view is that if the Head of Department happens to be an archaeologist the archives department is likely to suffer because of his special interest in archaeology. On the other hand, the archaeology department may be the victim if the Director is an archivist. The mere fact, however, that two small departments are combined together and placed under one Head of Department should not cause either of them to suffer neglect if the workload is not too heavy for a conscientious officer.

23.31. The protection and preservation of monuments which fall within the purview of the State Government and the administration of museums are not the only functions of the Archaeology section

as is commonly assumed. In addition, it is required to undertake survey of ancient monuments in the State, compile lists of monuments and classify them, undertake exploration of ancient sites, antiquities, etc., decipher inscriptions discovered in the State, classify coins received from the Collectors under the Treasure Trove Act according to different dynasties, mints, dates, legends, etc, and prepare and bring out guide books of monuments, historical places, survey reports, etc. Taking into account the magnitude of these activities, it would appear that there is a need for an independent department. Moreover, it would be difficult to find a person suitably qualified in both the disciplines, viz., Archives and Archaeology, to head the combined department While at one stage the administrative Department felt that the requirements of the Archaeology section could be met by appointing a Deputy Director in Class I for archaeology, Government has now decided to have an independent Director for the Archaeology section. I have, therefore, no recommendations to make in this behalf.

23.32. As regards the subordinate staff, while the technical staff in the Directorate and its subordinate offices was found to be the minimum required, some surplus posts were found in the ministerial strength of the Directorate (proper). The surplus posts have now been abolished.

23.33. As for the Directorate of Archives, the main problem is of storage facilities. For want of accommodation, the Directorate has not been able to accept for deposit old files with the result that these files are not easily accessible to research scholars. From amongst the copies of publications received by the Director, he has been distributing some to libraries, research institutions, etc. after keeping with him only a minimum number of copies. Similarly, for want of adequate space and airconditioned storage facilities, the Directorate has not been able to take up microfilming of records. It is understood that a proposal to construct an independent building for the Directorate at Poona has been under consideration for some time Microfilming may prove economical in the long run and if it is to be adopted, provision of airconditioned storage facilities would be necessary in the proposed building. The work of microfilming of records could be entrusted to the microfilming unit in the Government Photo Registry under the Registration Department.

23.34. Apart from the problem of accommodation, the Directorate, it is understood, has also not been able to bring the list of files and publications deposited with it up to date. The list

present available is hopelessly out of date. This is bound to prove a handicap to research scholars. It is also understood that there is no specific programme or roster of rehabilitation or repair of old records; only such old records which need immediate repairs are taken in hand. It seems, therefore, necessary to undertake a thorough review of the procedural working of the Directorate with a view to removing such defects and lapses in its working. It is recommended that the Organisation and Methods officer and the concerned officer in the administrative Department should take a review of the various procedures in the Directorate.

23.35. The Secretariat Record Office and the Sachivalaya Record Rooms have nearly 5 lakh and 1½ lakh records/files respectively. They have a vacuum cleaner which is used for cleaning the racks and the records. (This cleaning is called general dusting which is to be distinguished from special dusting which is done manually page by page by a soft brush). These two machines were purchased in 1963. There has, however, been no reduction in the number of hamals. This appears to be due to the large volume of the record requiring periodical dusting. Taking into account the cost of a vacuum cleaner (about Rs. 500) and its life (about 10 years), the annual cost of running a machine would roughly be Rs. 220. The expenditure on one hamal is Rs. 1,825 per annum. It would, therefore, be economical to employ machines for general dusting. At present four hamals do the work of general dusting by vacuum cleaner or by hand and about 200 files are cleaned every day. It has been pointed out that at least 15 hamals would be necessary to complete one cycle of dusting of all records in a year. It would be economical to operate more machines keeping the number of hamals at the minimum required to operate them so as to complete the cycle within one year. Apart from the aspect of economy, dusting by vacuum cleaner would be more efficient than manual dusting, provided of course that due care is taken of the records in the process of being cleaned.

The Directorate of Languages

23.36. The Directorate of Languages has been set up for implementing the Government's policy of making Marathi the language of administration. It seeks to achieve this objective mainly by bringing out publications which would facilitate the use of Marathi in Government Administration. These include Marathi dictionaries of legal, scientific and technical terminology and Marathi translations of Acts, Rules, Manuals, etc. Sometimes it is required to translate into Marathi reports of committees or commissions appointed by

Government. It organises training classes for Government servants who do not know Marathi and for clerks and typists (in Marathi typing and stenography).

23.37. On 1st August 1968, at the headquarters the Directorate had a strength of 12 gazetted officers, 73 class III Government servants and 12 class IV Government servants. The bulk of the class III posts (about 70 %) is of translators. In 1966-67, the Directorate also set up its regional offices at the four Divisional headquarters under Assistant Directors assisted by Language Officers and other clerical establishment.

23.38. It has been represented that as the work of the Directorate is quite different from the normal work of Government departments and offices, the usual norms or yardsticks for assessing the staff requirements in terms of number of receipts and disposals would not be suitable for the Directorate. While this can be readily conceded, it is difficult to accept it as a justification for assessing the staff requirements of the Directorate *ad hoc*. So far as the administrative and house-keeping functions are concerned there should be no difficulty in assessing the staff requirements on the basis of usual norms. As regards translation work, its volume can be assessed in terms of appropriate units, e g. words, pages, etc.; the different types of jobs can be grouped having regard to their nature and complexity and the required man-hours for each group determined on that basis. It is, therefore, recommended that the Administrative Department should take up the question of fixing the norms of workload in terms of man-hours for a reasonable unit of work, say, per page for translation and per 1,000 words for glossaries, and review the staffing position of the Directorate in the light of these norms.

23.39. Another point that needs comment is the distribution of work among the translators in the Directorate. At present, the translators have been distributed among the various sections entrusted with different types of translation work. In this arrangement, it may sometimes happen that some of the translators may have comparatively less work, for example, those for the Budget Section where the work is of a seasonal nature. In order to ensure optimum utilisation of the translators, the translators working in two or three allied subjects should be pooled to form a larger section. As a result of this arrangement, it should be [illegible] reduce some posts, particularly at the supervisory level.

23.40. The regional offices of the Directorate were created at the four Divisional headquarters in 1966-67 specially for the work of translation of important Government Resolutions, Instructions, Notifications, Rules, etc. into minority languages in areas where the minorities constitute 15 per cent. or more of the population of the taluka concerned.

The staff at each of the Regional offices is as follows:

Assistant Director	...	...	1
Language Officers	...	...	2 (At Bombay: 6)
Terminology Assistants	...	...	2 (except Bombay)
Superintendent	...	...	1
Accountant	...	...	1
Senior clerk	...	...	1
Junior clerk	...	...	1
Typist	...	...	1
Peons	...	...	2

23.41. *Prima facie*, the staff provided for house-keeping functions is too large. It is also interesting to note that these offices have functioned without any Language Officers. (The posts of Language Officers are vacant since the creation of the regional offices.) Besides, the regional offices themselves appear to be superfluous. The main work of the regional office is translation of important orders, notifications, etc. issued by Government and the Commissioner concerned, into minority languages. This could be attended to by a small cell in the Commissioner's office, consisting of 2 or 3 translators depending upon the number of minority languages. It is, therefore, recommended that the regional offices of the Directorate should be abolished and a small cell created in the Commissioners' offices for translating important orders etc. into minority languages. The work of preparing an approved terminology in the minority languages should appropriately be dealt with in the Directorate itself.

23.42. The dangers of combining the functions of a Head of Department with those of a Secretariat Officer are nowhere better illustrated than in the case of this Directorate where the Director is also a Deputy Secretary in the General Administration Department. To cite an example, on the 5th March 1966 he issued instructions to the Director, Government Printing and Stationery, to print standard forms, registers, etc. in Marathi only. For printing any forms, registers, etc. in English it was necessary to obtain

Government orders specifically authorising printing in English. On the 8th September 1966, the Director, Government Printing and Stationery, was instructed to return to the department concerned forms, registers, etc. sent for printing in English. As a result, in the case of motor driving licences which are valid all over India, considerable inconvenience was caused as the licences had to be issued initially on cyclostyled paper. The licences had to be exchanged later for printed books. The licence holders were put to inconvenience and the work of issuing the licences was duplicated. Similar inconvenience in regard to a large number of office forms and registers was experienced by a large number of other Departments and Offices. Had the Director's proposals been subjected to independent scrutiny in the Secretariat, it is reasonable to believe that such blanket instructions directing the press not to print forms in English would not perhaps have been issued and due provision for exceptions would have been made In accordance with my general recommendation* on this subject, the Director should forthwith cease to function as Deputy Secretary.

Office of the Executive Secretary, Maharashtra State Committee for a History of the Freedom Movement in India

23.43. When this office was taken up for scrutiny, it was noticed that there were several curious features about its constitution and working. The purpose for which the office was continued from time to time was not clear. Even the name of the office appeared to be a misnomer, as the Maharashtra State Committee referred to had been wound up as long ago as at the end of September, 1956. It was, therefore, suggested that Government may re-examine the usefulness of the activities carried out by this office, since the question as to how best to organise and rationalise the staff for the activities could be examined only after Government was clear in its mind as to the usefulness of the activities of this organisation. The facts which have come to light as a result of a searching examination of the utility of the office make indeed strange reading.

23.44. In 1953, the Government of India set up a Board of Editors for preparing a History of the Freedom Movement in India under the Chairmanship of Dr. Sayed Mehmood. At the instance of the Board, the Government of India requested the State Governments to set up a similar Committee for supplying to the Board the material required by it so far as the State was concerned. Ac rdin

* Paragraph 6.7.

a Committee was set up in 1953 under the Chairmanship of Shri S. K. Patil. A staff consisting of an Executive Secretary on an honorarium of Rs. 500 per month, a Research Officer, a Research Collaborator and 2 Research Investigators on consolidated pays of Rs. 500, Rs. 400, Rs. 325 and Rs. 250 per month respectively, 1 Senior Clerk, 1 Junior Clerk, 3 Typists and 2 peons was sanctioned for the Committee. The Committee commenced its work in February 1954. The material collected by it was forwarded to the Editorial Board of the Government of India. At the last meeting of the Committee held on 24th September 1956, the Committee decided that, though it was not necessary or possible to publish all the material which it had collected, the important material should be selected and published in a series of volumes arranged chronologically and subject-wise, which would serve as a valuable source material to students of modern Indian History. The Committee then passed a resolution to the following effect:

" Resolved that in view of the great value to students of Indian History of the large mass of material collected by the Committee from official records, some of which have never before been accessible to the public, and in view of the fact that there does not appear to be any reason for not making the material now available to the scholars, it be recommended to Government that :

(*a*) arrangements may immediately be taken in hand to make a selection of the more important documents and extracts from the papers compiled by the Committee;

(*b*) the work of selecting the documents and extracts and seeing them through the press be entrusted in consultation with the Executive Secretary to suitable persons working on the research staff of the Committee; and

(*c*) their publication which may be spread over one or more volumes as may be found convenient be completed not later than the end of 1957."

The Committee was dissolved on the 30th September 1956.

23.45. The aforesaid recommendation of the Committee contained in its resolution was accepted by Government and the office was continued from year to year. Government's intention was evidently that the office should be continued for the limited purpose of printing selected material from that already collected and should be wound up as soon as that work was over. Strangely, however, the office and its staff has been continued for the last 13 years or so without any examination of the work required to be done, the

material that was required to be printed at Government cost, the mode of recruitment of the staff which was being continued from year to year beyond the original target date, and other relevant questions. In 1961, a " Who's Who " unit was created in the office consisting of 4 Research Investigators, 1 Research Assistant, 1 Clerk-*cum*-Typist and 1 peon, as Government was persuaded that such a volume containing information about the persons from this State who took part in the National Movements for Independence and who faced sufferings, privations and even death should be prepared, since all of them might not find mention in the History of the Freedom Movement in the country. This staff has also been continued thereafter from time to time.

23.46. The present Executive Secretary (Professor N. R. Phatak) joined the office in 1958. The appointment of the staff, the nature of work to be done and the material to be printed at Government cost, appeared to have been left entirely to the discretion of the Executive Secretary. No recruitment rules have been framed for the posts and persons appear to have been appointed without considering the age limit, educational qualification, etc., which are taken into account when making appointments to Government posts. Several persons on the staff of the office are of advanced age. The Executive Secretary is nearing 80 years of age. The Research Officer is nearing 70 years of age and certain other persons are also of advanced age. The principal Officer below the Executive Secretary is the latter's own son. The Executive Secretary sends to the Government Press material which he considers suitable for publication on his own without consulting Government either regarding the suitability of the publication or the number of copies to be printed, or whether they should be treated as priced publications.

23.47. The recommendation made by the Maharashtra State Committee in September 1955 was limited in its scope, *viz.*, that selected material from that already collected should be published. There was no suggestion that additional material should be collected and published in the form of a series of volumes, as has been done by the Office. It does not appear that Government has at any time taken a conscious decision that this office should [illegible] to collect fresh material and embark on a programme of additional publications. The Executive Secretary also submitted to Government in January 1963 a programme of Research and covering 22 additional subjects, spread over a [illegible] 20 years.

23.48. Government has on re-examination of the whole question taken the following decisions:

(1) The office may complete the 2 volumes (parts 4 and 5) on Mahatma Gandhi covering the period from 1934 to 1948 and the "Who's Who" in Marathwada and Western Maharashtra by 31st July, 1971 or at the latest 31st March, 1972. The Programme of Research and Publication covering 22 other subjects over a period of 15 to 20 years proposed by the Executive Secretary has not been approved.

(2) The office should be wound up after 31st March 1972 at the latest subject to the following provisos:

(*a*) Government will be glad to have the present Executive Secretary continue as Honorary Adviser on the same honorarium as at present; and

(*b*) a nucleus of 1 Executive Officer and 2 Research Officers out of the existing staff should be continued thereafter after carefully screening them and they should be absorbed and retained as a small Cell in the Directorate of Archives to continue the residual work that may remain and to assist generally in that Directorate.

23.49. While the aforesaid decisions of Government seek to retrieve the position, the proposal to absorb a nucleus staff in the Directorate of Archives would have to stand scrutiny in the light of the workload and the availablility of vacancies in that Directorate. Merely creating additional posts with a view to retaining some persons in service who have been initially recruited without consideration for any recruitment rules or following normal procedures for recruitment to Government service would be contrary to administrative propriety.

Office of the State Board for Literature and Culture

23.50. The State Board for Literature and Culture was set up by Government in November, 1960 under the Chairmanship of Tarkateerth Shri Laxmanshastri Joshi, with a view to encouraging research in the field of literature, history and culture of Maharashtra. The functions of the Board, as laid down in the Government Resolution setting up the Board, are to initiate, assist or undertake—

(i) implementation of projects or schemes of research in the field of language, culture and history of the State of *Maharashtra*,

(ii) the publication in Marathi of the results of such research,

(iii) the publication in Marathi of independent and erudite papers, monographs, books, journals, etc.,

(iv) schemes for preparation and publication in Marathi of reference literature such as Bibliographies, Encylopaedic Dictionaries, etc.,

(v) preparation and publication of translation into Marathi of classical or other literary work of an outstanding nature from different Indian and foreign languages, preferably works of which the Marathi translation is not contemplated by the Sahitya Akademi,

(vi) schemes for editing, translating and publishing into Marathi important published or unpublished source material having a bearing on the history and culture of Maharashtra, and

(vii) schemes for the preparation and publication of the socio-political, cultural and literary history of Maharashtra.

The Board is also required to explore new avenues of carrying out research in any field of knowledge with a view to development of Marathi literature and to assist Government in the formulation of its policies in the matter of historical research and development of literature.

23.51. The Board as reconstituted in November 1968 with a further tenure of 3 years therefrom comprises, besides the Chairman (Tarkateerth Shri Laxmanshastri Joshi), 14 members including three serving or retired officials.

23.52. The Board has been empowered to form sub-committees and has set up the following seven subject committees :

(i) Fine Arts Committee.
(ii) Translation Committee.
(iii) Shakespeare Committee.
(iv) Vishwakosha Committee.
(v) Publication Committee.
(vi) Humanities Committee.
(vii) Science Committee.

23.53. The staff sanctioned for the Board is divided into two units, namely, (i) the Administrative Office, and (ii) the Vishwakosha Unit. The Administrative Office is located in the Sachivalaya (General Administration Department) and works almost as a branch of the Department. Till May 1968, the Administrative Office was head

y an Assistant Secretary in Class II service. A post of Secretary ı Class I was sanctioned in May 1968 and the Assistant Secretary ·as promoted as Secretary, the lower post being kept vacant. The lass III ministerial staff of the office comprises a Junior Superin-ɜndent, an Accountant and eight other members.

23.54. The Vishwakosha Unit which is located at Wai functions ɪder the supervision and guidance of the Chairman of the Board ·ho is also the General Editor of the Vishwakosha. The staff of ɪe Unit comprises mostly an editorial staff of 29 members, including ɜction Editors, Associate Editors, Scholar Assistants and Editorial ssistants. The rest of the staff comprises an Administrative Officer, Personal Assistant to the Chairman and 11 typists.

23.55. The most important and prestigious literary project of the ·oard is the compilation of the Vishwakosha, a general encyclopae-ia in Marathi on the lines of the Encyclopaedia Britannica. The 'ishwakosha will have 20 volumes of 1,000 pages each (each page ɔntaining an average of 750 words) of which the first 17 volumes ʳill be the main body and the remaining will contain glossaries of ɜchnical words used in the 17 volumes, indices and full-scale coloured ɪaps. Till the end of March 1969, 13,407 pages of writing work ʳas assigned to scholars, 8,640 pages of written articles were ɜceived from them and 4,330 pages of articles were edited and nalised into press copy.

23.56. Work is also in progress on the following projects :

(i) a full Marathi history of Maharashtra consisting of 5 volumes of about 500 pages each,

(ii) a survey of Marathi Dialects,

(iii) Antarbharati-Vishvabharati (Bilingual dictionaries of other Indian and foreign languages),

(iv) books on the Sciences,

(v) translation of classics and of historical records,

(vi) a Companion Volume to Marathi Literature, and

(vii) Marathi Mahakosha (a large-size analytical Marathi dictionary).

23.57. The Board has so far brought out about 29 publications and .as disbursed grants-in-aid totalling about Rs. 9·47 lakhs to enable he publication of 289 other books including research publications n the fine arts such as Music and Drama.

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23.58. An evaluation of the work done by the Board does not appear to have been carried out so far. Among the publications of the Board are books on Homoeopathy—Symptoms and Remedies, Diatetics and Radio Repairs. How far the publication of these books is in consonance with the Board's objective of encouraging research in Marathi literature and culture is open to question.

23.59. In response to my request for suggestions for reorganisation, the Secretary of the Board has made the following proposals :

(i) The vacant post of Assistant Secretary may be allowed to be filled up.

(ii) The post of Superintendent may be made a gazetted post.

(iii) The post of Administrative Officer in the Vishwakosha Unit at Wai may be upgraded to a gazetted post on a higher scale of Rs. 300—500 (from the existing scale of Rs. 250—435).

(iv) The typists at present distributed over the two wings of the Unit, namely, the Library and the rest of the Unit, may be pooled together and placed under the senior-most typist, who may be designated as Head Typist and given the usual allowance for the additional responsibility.

23.60. I would recommend the proposals at (i) and (iv) above. As regards the other two proposals, there is no justification for any more gazetted posts in this small organisation

23.61. In my view, such activities mainly sponsored through non-officials of eminence on whose work, both in regard to its quality and its adequacy, the judgment of Administrators may be unwelcome or embarrassing, are appropriately conducted by suitable grants-in-aid rather than through official organisations under the wings of the non-officials.

CHAPTER 24

THE DAIRY DEVELOPMENT DEPARTMENT

24.1. A work study of the Dairy Development Department was carried out under my instructions by three Work Study Teams specially constituted for the purpose. The work of the three teams was supervised and co-ordinated by the Deputy Secretary, General Administration Department (Administrative Reorganisation), who was appointed as Dairy Development Commissioner within a month after this study had got under way. The report of the work study was forwarded to the Secretary, General Administration Department, the Secretary, Agriculture and Co-operation Department and the Dairy Development Commissioner in November, 1969 to enable them to implement the recommendations. The report is reproduced in Appendix 9.

24.2. Here I propose to confine myself to a few general remarks regarding the working of the milk schemes. The expenditure on these schemes is debited to the capital head, " 124 " and the schemes are treated as commercial schemes. One would, therefore, expect that each milk scheme would be judged mainly by the test of its success or otherwise as a commercial scheme. I appreciate that other considerations besides those of a commercial scheme may require to be taken into account, as Government has also to look to interests of other classes. The interest of the consumers requires that the milk distributed by the Department is priced as low as possible, while the interest of the milk producers demands that they should be paid a remunerative price for the milk supplied by them. The object of running the schemes as commercial schemes, therefore, demands a reconciliation of the two conflicting interests to the extent possible and the efficient and economic conduct of the milk procurement, bottling and distribution operations so as to result in as low a burden as possible on the consumers.

24.3. Most of the schemes undertaken by Government are running at a loss, the only exceptions being the Greater Bombay Milk Scheme

and the Government Milk Supply Scheme, Dhulia. The prospect of some of these losing schemes breaking even in the near future is dim. The view of the Department is apparently, however, that the loss on these schemes is more than made good by the profit earned by the Greater Bombay Milk Scheme, that one of the main objectives of these smaller schemes is to promote the dairy industry as a subsidiary occupation of agriculturists in the rural areas and, as even the Greater Bombay Milk Scheme depends for its supply upon several mofussil milk schemes, the financial results of all these schemes should be considered together. In result, instead of the losing schemes receiving an open subsidy with the approval of the Legislature if the public purpose which they serve is acceptable, they receive a concealed subsidy (whose dimensions are unknown) at the cost of the consumers in other areas The price of milk sold to consumers in these other areas is, therefore, appreciably higher than what it could have been. The concealed subsidy referred to was also not brought to the notice of the Legislature until recently.

24.4. The Public Accounts Committee had, in paragraph 3 of its Report on the Appropriation Accounts 1961-62 and the Audit Report 1963, when examining the Nagpur Milk Scheme, suggested "that *the anticipated earnings or losses in each of such schemes should* be separately and distinctly shown in the Budget so that the correct position in this respect is brought to the notice of the Legislature".

24.5. In compliance with the foregoing recommendation, Government has, in the Budget papers presented to the Legislature along with the Budget from 1969-70, included a statement showing the financial forecast of important schemes of Government involving transactions of a commercial or semi-commercial nature The statement for the year 1970-71, page 12, sets out the profit or loss anticipated for the year in respect of the various milk schemes. It is evident from the statement that most of the mofussil schemes are being run at the expense of the Greater Bombay Milk Scheme. While this position may not be objected to if it is a position in a period of transition while each scheme attains viability, it requires serious consideration as a matter of public policy as to whether schemes which are not likely to reach a viable stage in say 3 or 5 years, require to be subsidised indefinitely because the subsidy can be passed on to a consumer unable to resist its burden.

CHAPTER 25

THE BUILDINGS AND COMMUNICATIONS DEPARTMENT AND THE IRRIGATION AND POWER DEPARTMENT

Norms of Workload

25.1. The question of the norms of workload and staffing pattern for the different formations, namely, Sub-Divisions, Divisions, and Circles, in these Departments is basic to that of their Organisation. Earlier, I have referred to the reports of Shri K. P. Mathrani (1951) and of Shri K. V. Joglekar (1958). Shri Mathrani evolved certain standard units of staff for Sub-Divisional, Divisional, and Circle Offices after discussions with the Chief Engineer and the Superintending Engineers. He did not recommend norms of workload for these offices, but observed, "these standard units are generally based on the staff ordinarily sanctioned for normal units of the Public Works Department Organisation". The standard units of staff recommended by him are generally being followed, though a few additional posts of overseers have been sanctioned for Sub-Divisions in recent years. Government has not yet issued orders on the report of Shri K. V. Joglekar (*vide* paragraph 1.6 *ante*). It requires to be observed that previously, i.e., when Shri Joglekar and Shri Mathrani reported, there was only one Public Works Department, while now that Department is bifurcated into two, viz., Buildings and Communications Department and Irrigation and Power Department.

25.2. The question of norms of workload and staff in these Departments is linked to the methods of construction. There are two components of the cost of a work : (i) the cost of materials and labour, and (ii) the cost of the design, supervision, quality control, etc. employed. The first component is progressively on the decrease with the reduction in unit costs achieved by the use of modern methods and techniques, though its extent has been concealed by the rise in the cost of materials etc. The cost of the second component tends to increase with the need for the employment of

a larger engineering staff of a higher calibre. The designs of engineering structures like dams, bridges, buildings or even road surfaces are now based not on rules of thumb or local conventional practices but on rigid mathematical design calculations and laboratory tests. The various alternative combinations of shapes, sizes, materials and stresses are tried for evolving an economical lay-out of the structure. This is evident from the comparatively lighter sections of the bridge piers, bridge decks, building slabs and dams now in use for the large heights and spans dealt with. Both at the planning and execution stages, engineering personnel of a higher calibre, qualifications and training would be required. The more advanced the technique used, the higher may be the establishment cost, though the net cost of the work (with stable value of the currency) may progressively decrease.

25.3. Besides, the norms of workload in terms of cost of works handled by a Division or Sub-Division do not take into account certain ancillary activities which are required to be undertaken along with the execution of the principal work, particularly in the case of major works. These are · land acquisition, for which the overseers are required to carry out joint measurement work with the revenue staff; stores procurement and management so as to ensure that the work proceeds smoothly without obstacle for want of proper types of stores in time; colony administration, i.e., security of the housing colony, running of schools, shops, etc.; laboratory tests for exercising strict quality control during the progress of the work; designing of smaller items of work requiring detailed investigation; and attendance on visitors, particularly in view of the increasing visits to development projects by students and tourists, not to mention V. I. P.s. It is necessary to provide adequate staff for these activities, according to the needs of each case, over and above that provided for in a staffing pattern on the basis of norms of workload or works expenditure.

Norms for the Buildings and Communications Department

25.4. Shri Joglekar has, in his report, classified the Public Works Department charges into (*a*) maintenance *plus* some construction, (*b*) purely construction, and (*c*) survey and preparation of plans and estimates. He has observed that the "category of 'purely maintenance' is omitted as practically no such charge can exist at present". The standard workload for a maintenance-*cum*-construction Sub-Division suggested by him is Rs 5 lakhs and that for a purely construction Sub-Division, Rs. 10 lakhs per annum. These norms were reviewed by the Buildings and Communications

Department in 1964 and the following new norms were prescribed by Government Resolution, Buildings and Communications Department, No. EST. 1064/3864-E (I), dated 28th October 1964 :

		Norm of Workload Rs.
Purely maintenance Sub-Division	...	10 lakhs.
Purely construction Sub-Division	...	15 lakhs.
Mixed Sub-Division dealing with both maintenance and construction.	...	12 lakhs.

A Division was taken to comprise 5 Sub-Divisions and the norm of the Division assessed at 5 times the aforesaid workload.

25.5. The Director, Bureau of Economics and Statistics, reports that after taking into account the indices of wages and cost of construction materials for the different years, with bricks, iron and steel, cement and timber as components of 'Material' and mason, carpenter and unskilled labourer as components of 'Labour', with due weightage to each of these components, the Index No. with a base of 100 in 1950 would be 135 for 1958 (when Shri Joglekar reported) and 209 for 1968-69.

25.6. The Buildings and Communications Department estimated the rise in the cost of works between 1958-59 and 1968-69, for the same type of works, based on the schedule of rates prevailing in the two years and applying the same to four individual medium size works (1 road work, 2 bridges and a building) at an average increase from 50 to 55 per cent. during the ten year period. The results of the two studies thus lead to the inference that the workload norms recommended by Shri Joglekar in 1958-59 in money terms need to be revised upwards to the extent of 50 to 55 per cent.

25.7. The norms proposed by Shri Joglekar as compared to those now proposed by the Buildings and Communications Department are shown in the following table :

Proposed by Shri Joglekar	Rs. (in lakhs)	*Proposed by B. & C. D.*	Rs. (in lakhs)
1. Purely Construction Sub-Division.	10	Big cities like Bombay, Poona and Nagpur.	20
		District Headquarters.	15
		Accessible Areas in the mofussil.	12
		Partly Accessible Areas.	10
		Inaccessible Areas ...	8

Proposed by Shri Joglekar	Rs. (in lakhs)	*Proposed by B. & C. D.*	Rs. (in lakhs)
2. Mixed Sub-Division.	5	Big Cities	15
		District Headquarters.	12
		Accessible Areas in the mofussil.	10
		Partly Accessible Areas.	8
		Inaccessible Areas.	6

The Buildings and Communications Department has rightly taken into account the location, jurisdiction and the topography of the charges for the purposes of prescribing the workload norms. Lower figures of workload have been proposed for mofussil Sub-Divisions in view of the lack of contractors, lack of facilities of transport and communications, difficulty in procuring construction materials, and the scattered nature of the works involving long distances to be traversed. The norms now proposed by the Buildings and Communications Department for Sub-Divisions appear reasonable compared to the norms recommended by Shri Joglekar, having regard to the increase in the cost of materials and labour in the intervening years.

25.8. The norms followed by the Engineer-in-Chief, Central Public Works Department for a purely construction Sub-Division are Rs. 15 to Rs. 17·5 lakhs for highly concentrated works such as multistoreyed buildings or horizontally spread works such as Civil Aviation Works, Rs. 13·75 lakhs for other construction works and Rs. 11·25 to 12·5 lakhs for construction works with scattered jurisdiction. The norms proposed by the Buildings and Communications Department compare favourably to those adopted by the Central Public Works Department.

25.9. In Gujarat, the norm for a purely construction Sub-Division is Rs. 30 lakhs if the work is concentrated and Rs. 15 lakhs if it is scattered ; and the norm for a mixed Sub-Division is Rs. 24 lakhs if it is concentrated and Rs. 12 lakhs if scattered. These norms which are on the high side were prescribed by the Government of Gujarat in January 1969 and it is not known how far they have been found practical.

25.10. The norm laid down by the Government of Tamil Nadu for a construction Sub-Division is Rs 4 lakhs during the first year and Rs. 8 lakhs during subsequent years It should, however [illegible] out that the unit of staff sanctioned for a Sub-Division [illegible]

Department in 1964 and the following new norms were prescribed by Government Resolution, Buildings and Communications Department, No. EST. 1064/3864-E (I), dated 28th October 1964 :

		Norm of Workload Rs.
Purely maintenance Sub-Division	...	10 lakhs.
Purely construction Sub-Division	...	15 lakhs.
Mixed Sub-Division dealing with both maintenance and construction.	...	12 lakhs.

A Division was taken to comprise 5 Sub-Divisions and the norm of the Division assessed at 5 times the aforesaid workload.

25.5. The Director, Bureau of Economics and Statistics, reports that after taking into account the indices of wages and cost of construction materials for the different years, with bricks, iron and steel, cement and timber as components of 'Material' and mason, carpenter and unskilled labourer as components of 'Labour', with due weightage to each of these components, the Index No. with a base of 100 in 1950 would be 135 for 1958 (when Shri Joglekar reported) and 209 for 1968-69.

25.6. The Buildings and Communications Department estimated the rise in the cost of works between 1958-59 and 1968-69, for the same type of works, based on the schedule of rates prevailing in the two years and applying the same to four individual medium size works (1 road work, 2 bridges and a building) at an average increase from 50 to 55 per cent. during the ten year period. The results of the two studies thus lead to the inference that the workload norms recommended by Shri Joglekar in 1958-59 in money terms need to be revised upwards to the extent of 50 to 55 per cent.

25.7. The norms proposed by Shri Joglekar as compared to those now proposed by the Buildings and Communications Department are shown in the following table :

Proposed by Shri Joglekar	Rs. (in lakhs)	*Proposed by B. & C. D.*	Rs. (in lakhs)
1. Purely Construction Sub-Division.	10	Big cities like Bombay, Poona and Nagpur.	20
		District Headquarters.	15
		Accessible Areas in the mofussil.	12
		Partly Accessible Areas.	10
		Inaccessible Areas ...	8

Proposed by Shri Joglekar	Rs. (in lakhs)	Proposed by B. & C. D.	Rs. (in lakhs)
2. Mixed Sub-Division.	5	Big Cities	15
		District Headquarters.	12
		Accessible Areas in the mofussil.	10
		Partly Accessible Areas.	8
		Inaccessible Areas.	6

The Buildings and Communications Department has rightly taken into account the location, jurisdiction and the topography of the charges for the purposes of prescribing the workload norms. Lower figures of workload have been proposed for mofussil Sub-Divisions in view of the lack of contractors, lack of facilities of transport and communications, difficulty in procuring construction materials, and the scattered nature of the works involving long distances to be traversed. The norms now proposed by the Buildings and Communications Department for Sub-Divisions appear reasonable compared to the norms recommended by Shri Joglekar, having regard to the increase in the cost of materials and labour in the intervening years.

25.8. The norms followed by the Engineer-in-Chief, Central Public Works Department for a purely construction Sub-Division are Rs. 15 to Rs. 17·5 lakhs for highly concentrated works such as multi-storeyed buildings or horizontally spread works such as Civil Aviation Works, Rs. 13·75 lakhs for other construction works and Rs. 11·25 to 12·5 lakhs for construction works with scattered jurisdiction The norms proposed by the Buildings and Communications Department compare favourably to those adopted by the Central Public Works Department.

25.9. In Gujarat, the norm for a purely construction Sub-Division is Rs. 30 lakhs if the work is concentrated and Rs. 15 lakhs if it is scattered; and the norm for a mixed Sub-Division is Rs. 24 lakhs if it is concentrated and Rs. 12 lakhs if scattered. These norms which are on the high side were prescribed by the Government of Gujarat in January 1969 and it is not known how far they have been found practical.

25.10. The norm laid down by the Government of Tamil Nadu for a construction Sub-Division is Rs. 4 lakhs during the first year and Rs. 8 lakhs during subsequent years. It should, however, be pointed out that the unit of staff sanctioned for a Sub-Division in Tamil Nadu

is small compared to that in this State and hence the norms are not comparable.

25.11. As regards the constitution of Divisions and Sub-Divisions, Shri Mathrani had recommended that a Division should consist of 4 to 5 Sub-Divisions and a Circle, of 5 to 6 Divisions. Shri Joglekar had recommended that a normal Division should have 4 Sub-Divisions and a normal Circle, 5 Divisions. In the Central Public Works Department, a Division normally consists of 4 Sub-Divisions and a Circle, of 4 Divisions. The Government of Gujarat has, in its orders of January 1969, prescribed that a Division should consist normally of 5 to 6 Sub-Divisions. It appears from the information furnished by the Government of Tamil Nadu that a Division in that State has about 4 Sub-Divisions and a Circle, 5 to 6 Divisions. The Buildings and Communications Department has proposed that a Division should normally consist of 3 to 4 Sub-Divisions; whenever there is an increase in the workload, additional Sub-Divisions may be created up to a limit of 2 additional Sub-Divisions. The Buildings and Communications Department has also proposed that for administrative convenience it is necessary to have one Division for each territorial District, even if, on the basis of workload, only 2 Sub-Divisions are sanctioned for the District. The Department has also proposed that there should normally be 3 to 4 Divisions in a Circle, to be increased to 5 if there is increase in workload. The Buildings and Communications Department proposals are on the liberal side. I recommend that a Division may be sanctioned for a District provided it has not less than 3 Sub-Divisions. If there are only 2 Sub-Divisions in a District, they should be tagged on to a neighbouring District. Further, a Division should normally consist of 4 Sub-Divisions and a Circle, of 5 Divisions, as recommended by Shri Joglekar.

Norms for Irrigation Works

25.12. *Construction.*—For the purpose of norms of workload for irrigation works in the Irrigation and Power Department, the works may be classified into three categories.

Category I—Small scattered works.—These will include minor irrigation works, small medium irrigation works and branch canals, distributaries under major projects, and public health works in rural areas or in small towns.

Category II—Average works.—These will include medium works other than those in Category I, main canal and dams of major projects of smaller types and public health works in large towns.

Category III—Big concentrated works.—Dams, spillways and other large concentrated jobs.

The workloads for the above three categories may be as follows :

Category I	Sub-Division	...	Rs. 4 to 6 lakhs.
	Division	..	Rs. 20 to 30 lakhs.
Category II	Sub-Division	..	Rs. 6 to 8 laкns.
	Division	..	Rs. 30 to 40 lakhs.
Category III	Sub-Division	..	Rs. 8 to 12 lakhs.
	Division	..	Rs. 40 to 60 lakhs.

A Division should comprise 5 Sub-Divisions.

25.13. *Maintenance and Repairs.*—The norm for a regular Maintenance and Repairs Sub-Division fixed at present is 40,000 acres of established irrigation, there being four Sub-Divisions in a Division. This norm would be adequate.

25.14. *Norms for Survey.*—As regards Investigation Sub-Divisions dealing with survey and preparation of project reports, the norm may be fixed on the basis of cost of the project in respect of which survey and investigation is to be carried out by a Sub-Division in a year, viz., Rs. 150 lakhs for major projects, Rs. 75 lakhs for medium projects and Rs. 30 lakhs for minor projects.

Hydro-electric Installations

25.15. As regards norms for hydro-electric installation works, such work has so far been done only at Koyna and Purna in recent years and it is difficult to evolve norms owing to the varied and complicated nature of the works.

Staffing Pattern

25.16. Almost all Superintending Engineers have complained of heavy arrears of accounts work in their Divisions. Works abstracts, material at site accounts, Form 12 (Stock), Form 51 (Reconciliation), Registers of Deposits, Purchase and Miscellaneous advances, etc. are in arrears in almost all Divisions. There are also long pending dues of arrears of pay and allowances. A list of common types of irregularities noticed by the inspecting authorities and important types of irregularities noticed during Local audit and inspection d 1968-69, received from the Chief Engineer, Bui'dings and Co cations Department, is given in Annexure 19.

25.17. The work of the Divisions has also increased on account of the Kalelkar Settlement signed on the 27th July 1967 before the Board of Conciliation between Government and workmen employed in the Irrigation and Power Department and the Buildings and Communications Department, under which it was agreed to bring all workers who had till then put in a total service of not less than 5 years on work charged and/or daily rated establishment on to the regular establishment. Apart from the work of preparation of bills of arrears of pay and allowances, which though heavy is of a temporary nature, there will be a net addition to the work on account of the maintenance of Service Books, Leave accounts, Confidential Records, General Provident Fund accounts, etc. in respect of the additional staff brought on to the regular establishment.

25.18. The main reasons for the accumulation of arrears on the Accounts side are as follows:

(i) *Shortage of clerical staff.*—This is sought to be met by including adequate staff for accounts, stores, etc. in the proposed staffing pattern.

(ii) *Inexperienced staff.*—It has been recommended elsewhere* that the Directorate of Accounts and Treasuries should arrange for the training of the accounts staff of all Departments and should, for this purpose, expand the capacity of its Divisional Training Classes.

(iii) *Inadequate staff for winding up the accounts after the closure of main construction work.*—Very often for want of concurrence of the Finance Department staff is not sanctioned for the terminal work in the Divisions and Sub-Divisions after the closure of the works on the ground that the workload has fallen below the prescribed norms. This leads to a complete neglect of accounts and their falling into arrears, as the normal staff of the other Divisions or Sub-Divisions to which the work is tagged on is unable to cope with it. It is, therefore, imperative to continue, after the closure of works, not only the clerical staff for finalisation of accounts but also some technical staff. The technical staff is required for preparing completion reports and record drawings, clarifying to Audit various questions bearing on technical matters raised by them which the clerical staff alone would not be able to do, and for completion of land acquisition records. It is, therefore, recommended that the cost of staff required for winding up the accounts and technical records after the construction work is over should be included in the cost of the project itself so that

* Paragraph 27.19.

detailed justification for the continuance of such staff does not have to be offered each time.

25.19. *Role of the Divisional Accountant.*—Another important reason for the unsatisfactory state of accounts is the failure of the Divisional Accountant, who is supposed to be the primary auditor and financial adviser to the Executive Engineer, to exercise close supervision on the clearance of day-to-day accounts work. This failure stems from the existing dual control over the cadre of Divisional Accountants. The Accountant General is the appointing authority for the cadre. The Divisional Accountants are governed by the Central Civil Service Rules for all purposes except for the purposes of travelling allowances, for which they are governed by the State Government rules. The Accountant General has disciplinary control over them. The transfers of Divisional Accountants from one Division to another are made by the Accountant General. Leave and pension contribution in respect of Divisional Accountants whose services are lent by the Accountant General are paid by the State Government to the Accountant General. The Divisional Accountants, therefore, tend to consider that their loyalty is to the Accountant General and not to the Executive Engineer.

25.20. The Divisional Accountants are, however, expected to work as internal auditors for the Divisional Offices. Their pay and allowances are debited to the State Government. The Comptroller and Auditor General appears to have accepted the position that the duties of the Divisional Accountant are mainly those of an Internal Auditor and that he is not a representative of the Audit Department. Moreover, there is a regular test audit every six months (every three months in the case of heavy Divisions) by the Accountant General. All vouchers are also to be submitted to the Accountant General every month. Hence it is unnecessary for the Divisional Accountant to assume the role of the Accountant General's representative in the Department. There is, therefore, every reason to move the Comptroller and Auditor General for the transfer of the cadre of Divisional Accountants to the control of the State Government. Unless this is done, the Executive Engineers will not be able to exercise the necessary control over them and get the accounts work performed efficiently.

25.21. On transfer of the cadre, control over it may be vested in the Directorate of Accounts and Treasuries. The Divisional Accountants may be placed under the Executive Engineers for the purposes

of day-to-day working. Powers of transfer of the Divisional Accountants may be delegated to the Chief Engineer concerned.

25.22. In the light of the preceding discussion, the staffing pattern recommended for a Sub-Division, Division and Circle Office is indicated in Annexure 20, which also shows the pattern recommended by Shri Joglekar for purposes of comparison. A statement showing the additional posts proposed over and above the posts included in the staffing pattern suggested by Shri Joglekar is given at the end of the Annexure.

25.23. The Buildings and Communications Department has also proposed the creation of a post of Administrative Officer of gazetted rank for all territorial and construction circles, to relieve the Superintending Engineer and to spare for him the considerable time which he now spends in routine administrative work. The post is proposed to be filled by promotion from Circle Head Clerks who have passed the requisite professional examination to be prescribed for the purpose. The question of administrative assistance to heads of technical Departments, as also that of lack of promotion prospects for the clerical staff in those Departments, is a general question met with in several technical Departments. It is recommended elsewhere* that supervisory ministerial posts in all executive Departments as well as in the Sachivalaya should be pooled together and appointments to these posts made from a common list of persons from all Departments who have passed the necessary qualifying examination to be prescribed for the purpose. The need for a Class II gazetted post of Administrative Officer in the Circle Office is genuine and the creation of the post is recommended. It may be filled from the said common pool.

25.24. The Buildings and Communications Department was requested to work out the additional staff that would be required if the norms of workload proposed by it are applied to the actual workload of the Department during the year 1968-69. Accordingly, the Department has estimated that, as against 142 construction and construction-*cum*-maintenance Sub-Divisions which together registered a works expenditure of about Rs. 19 crores during 1968-69, the requirements according to the norms would be 157 Sub-Divisions, i.e., 15 Sub-Divisions more. There would also be a corresponding increase of about 4 Divisions and a Circle. The additional staff required may be slightly less than what is indicated by the Buildings and Communications Department as certain modifications have been

* Paragraph 4.17.

recommended in the proposals made by the Buildings and Communications Department, viz., that there should normally be 4 Sub-Divisions in a Division (and not 3 to 4) and 5 Divisions (and not 3 to 4) in a Circle.

Adjustment of Field Organisation to Budgeted Programme

25.25. While it is imperative in the interests of efficient and economical working of the Department to sanction Divisions and Sub-Divisions according to the norms and staffing pattern recommended earlier, it is equally necessary for the Chief Engineers to carry out from time to time a review of the workload in the light of the budget provision etc. and to adjust the field organisation accordingly, as is the practice in the Central Public Works Department, where the field units are adjusted in the light of the works programme from one financial year to another. The following extract from a note received from the Department of Works, Housing and Urban Development in the Government of India explains the position obtaining in the Central Public Works Department:

> "The Engineer-in-Chief is empowered to close a Divsion, or a Sub-Division at one place and re-open it at the same and/or another place whenever the exigencies of works demand during the course of a year, provided the sanctioned strength of Divisions and Sub-Divisions, both permanent and temporary, of that year is not in any way exceeded. The audit offices are kept informed of all such re-adjustments of Divisions and Sub-Divisions. In respect of similar arrangements about Circles and Zones, these are effected by the Engineer-in-Chief with the approval of Government. To ensure that all the Divisions and Circles are adequately loaded and also to ensure that, as far as practicable they deliver the performance as per norms laid down from time to time, the Engineer-in-Chief carries out periodical reviews of workload performance of all Divisions in consultation with the Chief Engineer concerned. As a result of such reviews, where a particular Division/Circle is found under-loaded, it is either given some extra works or a Sub-Division or two or a Division or two, as the case may be, are closed. Where the load is found to be quite heavy, the Division is given one or two more Sub-Divisions and the Circle is strengthened with one Division or two to enable them to cope with the works. Amalgamation of two Divisions/Circles, transfer of one unit from one Division/Circle/Zone to another, etc. are also effected to achieve efficient and economical execution of works programme entrusted to the Central Public Works Depart nt.

The Chief Engineers and Superintending Engineers also assess their staff requirements *vis-a-vis* their works programme from time to time and submit their proposals to the Engineer-in-Chief for additional units where necessary or for closure of the units where the works are nearing completion and the units are not required. Where additional units are required to be created, the Engineer-in-Chief thereupon approaches the Government for necessary sanction unless he is able to meet these requirements from within the sanctioned strength of the Department as a whole."

25.26. It is essential that the Superintending Engineers and Chief Engineers concerned in the Buildings and Communications Department and the Irrigation and Power Department exercise a similar watch on the shifts in the workload in their organisation and adjust the field units accordingly so as to ensure optimum utilisation of the sanctioned staff and the disbandment of staff that may prove to be surplus in any sector.

Mechanical Circles in the Irrigation and Power Department

25.27. There are two Mechanical Circles under the Irrigation and Power Department. One is the Mechanical Circle (Gates) which has 5 Divisions, a gates designs and drawing unit and 4 gate erection units, and the other is the Mechanical Circle (Construction Plant), comprising 8 Divisions. The main drawback in the existing organisation of the Mechanical Circle (Gates) relates to the accounting arrangements. The Superintending Engineer has pointed out that one of the 10 Divisions and units in the Circle, viz., the Sluice Gate Manufacturing Division, is responsible for submitting to the Accountant General the accounts of not only the 4 Sub-Divisions under it, but of all other Divisions in the Circle excepting the Workshops Division. The procedure of submission of the accounts is also circuitous. The Superintending Engineer has submitted proposals for revising the set-up of the Circle including proposals to have 5 accounting Divisions in place of the existing one. I recommend that the present set-up be reorganised as proposed by the Superintending Engineer. His proposals for reorganisation are set out in Annexure 21.

25.28. The Superintending Engineer, Mechanical Circle (Construction Plant) has complained of heavy arrears of accounts work, owing to the fact that, even though the number of Sub-Divisions was increased under the 3 Divisions which were in existence in 1959-60, no additional staff was sanctioned for the Divisional offices. Though

in course of time new Divisions were sanctioned, thereby reducing the workload of the 3 old Divisions, no staff has been sanctioned for the clearance of the arrears. Early steps need, therefore, to be taken to bring the accounts work of the Circle up to date.

25.29. As regards the norms of workload for Mechanical Sub-Divisions and Divisions, there are no specific orders of Government at present laying down such norms. The following norms which are being followed at present were, however, considered by the Chief Engineer to be adequate :

Machinery Repairs ...	1 Division with 4 Sub-Divisions for an out-turn of Rs. 15 to 20 lakhs per year.
Machinery Operations ..	1 Division with 4 Sub-Divisions for an output of about 30 Mcft. to 35 Mcft. of earthwork per year.
Boring	1 Division with 3 Sub-Divisions. Each Sub-Division having 15 Boring Machines and turning out 30,000 feet of boring equivalent to Rs. 7·5 lakhs per year.

25.30. The Department was requested to suggest a staffing pattern for the Mechanical Divisions and Sub-Divisions It has furnished statements showing the staffing pattern for the different types of Divisions, which however represent the existing strength of the Divisions etc. The question of sanctioning appropriate staff for these Divisions, especially the staff required for accounts and stores, may be considered by the Irrigation and Power Department in the light of the staffing pattern recommended for other Buildings and Communications Department and Irrigation and Power Department Divisions.

Mechanical Sub-Divisions in the Buildings and Communications Department

25.31. The Buildings and Communications Department has one Mechanical Sub-Division for 2 Districts on an average, i.e., 11 Sub-Divisions in all. No workload has been fixed for the Mechanical Sub-Divisions in the Buildings and Communications Department, but it is considered desirable to have a Sub-Division for an area covering 2 Districts, irrespective of the volume of work in monetary terms. These Sub-Divisions deal with repairs and maintenance of road rollers, compressors, jeeps and other vehicles. T[illegible] are [illegible] ever, no Mechanical Divisions in the Buildings and [illegible]s

Department to supervise the work of the Sub-Divisions. The Deputy Engineers in charge of the Mechanical Sub-Divisions are borrowed from the Mechanical Circles of the Irrigation and Power Department, while the rest of the staff of the Sub-Divisions belongs to the Buildings and Communications Department. It would not be desirable to have a separate cadre of Deputy Engineers for the Mechanical Sub-Divisions in the Buildings and Communications Department as such a cadre would be too small to attract recruits of the requisite calibre. The present position may, therefore, continue, but, if the volume of work increases substantially in the future so as to justify the creation of Mechanical Divisions in the Buildings and Communications Department, the separation of the Buildings and Communications Department cadre could be considered.

Workshops for Repairs

25.32. It appears from the statistics furnished by the Buildings and Communications Department that the sickness ratio of road rollers and other machinery is as follows :

Machinery	*Percentage under repairs*
Road Rollers	31·3
Trucks	12·6
Tructo Tankers	11·9
Stone Crushers	20·4
Asphalt Boilers	11·9
Asphalt Mixers	15·9

The machinery is distributed over some or all of the Districts of the State.

25.33. The sickness ratio of the various items of machinery is very high. Government have sanctioned 3 mobile workshops for attending to the normal and periodical repairs to the machinery. A special officer was recently appointed to examine the utilisation of the machinery. It is understood that he has submitted his report to Government in respect of road rollers. Government is also understood to have decided to have regional workshops to serve the needs of both Buildings and Communications Department and Irrigation and Power Department. It will be necessary to establish the work-shops as well as a larger number of mobile work-shops if the optimum utilisation of the machinery is to be achieved.

Technical Examiner and Quality Control Units

25.34. A Technical Examiner's Unit was created in the former Public Works Department in March 1958 under a Technical Examiner of the rank of Executive Engineer, with 2 Deputy Engineers and some ministerial staff. It was originally intended that the Unit should function directly under the Public Works Department, i.e., that it should be answerable to the Minister (Public Works) through the Secretary, Public Works Department, on the lines of a similar Unit in the Ministry of Works, Housing and Supply, Government of India. It may be mentioned that the Government of India had specifically considered the question whether their Chief Technical Examiner should be under the Chief Engineer, Central Public Works Department or under the Works, Housing and Supply Ministry and had decided that the Unit should be placed directly under the Ministry. The State Government, however, decided that the Technical Examiner's Unit will function from the Headquarters in the different Wings under the respective Chief Engineers, the demands of the different Wings for the services of the Unit being co-ordinated by the Secretary, Public Works Department.

25.35. After the bifurcation of the Public Works Department into the two Departments on 1st May 1960, the Unit continued to serve both the Departments till July 1962 when a separate Technical Examiner's Unit was created in the Buildings and Communications Department under a Technical Examiner of the rank of a Superintending Engineer, with 4 Deputy Engineers, 4 Overseers and some ministerial staff. The Technical Examiner's Unit in the Buildings and Communications Department was strengthened in September 1968 by the addition of 2 Quality Control Units, each under an Executive Engineer and with 4 Sub-Divisions. These Units were created by the conversion of 2 road project Divisions. The original Technical Examiner's Unit created in 1958 was continued in the Irrigation and Power Department till August 1962 when it was replaced by a new Central Quality Control Unit under a Superintending Engineer. The Unit now consists of, besides the Superintending Engineer, an Executive Engineer and 3 Deputy Engineers.

25.36. The functions of the Technical Examiner's Unit in the Buildings and Communications Department have been defined in the original Government Resolution of 11th March 1958 creating the Unit and further elaborated in the Government R [illegible] July 1962 under which a separate Unit was sanct[illegible] and Communications Department. 1

ensuring that the works have been executed in accordance with specifications and exercising quality control at the various stages of execution. The Quality Control Units are also intended to exercise effective control on the various works executed by the two Departments. The functions of these Units are in fact those which should normally be carried out by the officers in charge of the works themselves, i.e., the Sub-Divisional Officers, the Executive Engineers and the Superintending Engineers. A separate organisation for these functions is unnecessary. It also appears from the report received from the Technical Examiner, Buildings and Communications Department that in actual practice he is working mainly as an aide to the Chief Engineer. It is thus clear that the Technical Examiner's and Quality Control Units are in fact a fifth wheel in the coach.

25.37. It may be mentioned that the Technical Examiner's Organisation under the Ministry of Works, Housing and Supply, Government of India, works as a kind of vigilance unit reporting directly to the Ministry on the deficiencies and malpractices noticed in the course of its inspections. The Units under the State Government do not perform this function. If they were required to perform such a function, the officers of the Unit would in effect be spying on the work of their colleagues or senior officers who may later become their superiors. Such a Vigilance Unit within the Department is obviously not desirable, even if it were to function independently of Chief Engineers and to report directly to the Secretary, Buildings and Communications Department. If care is taken to appoint officers known for their integrity and competence as Chief Engineers and Superintending Engineers, there should be no need for such Units.

25.38. If the organisation of the two Departments is strengthened on the basis of the revised staffing pattern and work norms recommended earlier, it should be possible for the officers in charge of the works and the Inspecting Officers to exercise the necessary degree of quality control. It is, therefore, recommended that the Technical Examiner's Unit and the Quality Control Units may be abolished.

The Architect to Government

25.39. The Architect to Government (of Superintending Engineer's rank) is assisted by two Deputy Architects, one Assistant Architect, and two Architectural Assistants of Class II rank, as also Class III technical staff consisting of 18 Junior Architectural Assistants,

9 Draftsmen and other staff. Additional units of technical staff are, however, sanctioned according to requirements, whenever any major proposal is referred to the Architect to Government, such units being closed after the work is over.

25.40. The Architect to Government serves as a link between the Buildings and Communications Department and the Heads of Departments on whose behalf building projects are undertaken, and ensures that the buildings constructed serve the purposes for which they are intended to be used and that the requirements of the Head of the Department concerned in respect of lay-out fittings, etc. are taken care of as far as feasible. The Architect, therefore requires assistance of competent technical staff of different levels of expertise to enable him to deal with the various building projects referred to him. As the main work of design and visualisation is of a responsible nature, it has to be done by senior qualified Architects. The posts of Architectural Assistants are mainly a kind of training ground for future Architects.

25.41. The Architect to Government has proposed that the structure of his office should be of a pyramidal pattern, and he considers that the present structure is somewhat top heavy. He recommends that the existing two posts of Deputy Architects may be reduced to those of Assistant Architects and one more Assistant Architect may be sanctioned. The pyramidal structure is no doubt ordinarily appropriate for a Department but organisation must take account of practical considerations. If a number of large structures require to be designed and plans prepared for the same, the work and responsibility may be too heavy for only the head of the Organisation to bear, particularly when the work may be spread over all the State. Considering also that senior members of the profession may not be willing to be confined for short assignments, it would be desirable in the circumstances [illegible] if the Architect has the ready assistance of Senior Architects who can be designated as Deputy Architects or Assistant Architects according to their professional skill and standing and [illegible] suitably. The Architect and these Senior Architects assisting him could then be in independent charge of planning and designing specific works, though they may at all times be expected to work in mutual co-operation and guidance among themselves. The Architect's role would be that of a captain of a [illegible] team of [illegible] experts who would [illegible] to himself and his junior colleagues. Such an organisation would also ensure continuity;

ensuring that the works have been executed in accordance with specifications and exercising quality control at the various stages of execution. The Quality Control Units are also intended to exercise effective control on the various works executed by the two Departments. The functions of these Units are in fact those which should normally be carried out by the officers in charge of the works themselves, i.e., the Sub-Divisional Officers, the Executive Engineers and the Superintending Engineers. A separate organisation for these functions is unnecessary. It also appears from the report received from the Technical Examiner, Buildings and Communications Department that in actual practice he is working mainly as an aide to the Chief Engineer. It is thus clear that the Technical Examiner's and Quality Control Units are in fact a fifth wheel in the coach.

25.37. It may be mentioned that the Technical Examiner's Organisation under the Ministry of Works, Housing and Supply, Government of India, works as a kind of vigilance unit reporting directly to the Ministry on the deficiencies and malpractices noticed in the course of its inspections. The Units under the State Government do not perform this function. If they were required to perform such a function, the officers of the Unit would in effect be spying on the work of their colleagues or senior officers who may later become their superiors. Such a Vigilance Unit within the Department is obviously not desirable, even if it were to function independently of Chief Engineers and to report directly to the Secretary, Buildings and Communications Department. If care is taken to appoint officers known for their integrity and competence as Chief Engineers and Superintending Engineers, there should be no need for such Units.

25.38. If the organisation of the two Departments is strengthened on the basis of the revised staffing pattern and work norms recommended earlier, it should be possible for the officers in charge of the works and the Inspecting Officers to exercise the necessary degree of quality control. It is, therefore, recommended that the Technical Examiner's Unit and the Quality Control Units may be abolished.

The Architect to Government

25.39. The Architect to Government (of Superintending Engineer's rank) is assisted by two Deputy Architects, one Assistant Architect, and two Architectural Assistants of Class II rank, as also Class III technical staff consisting of 18 Junior Architectural Assistants,

9 Draftsmen and other staff. Additional units of technical staff are, however, sanctioned according to requirements, whenever any major proposal is referred to the Architect to Government, such units being closed after the work is over.

25.40. The Architect to Government serves as a link between the Buildings and Communications Department and the Heads of Departments on whose behalf building projects are undertaken, and ensures that the buildings constructed serve the purposes for which they are intended to be used and that the requirements of the Head of the Department concerned in respect of lay-out, fittings, etc. are taken care of as far as feasible. The Architect, therefore, requires assistance of competent technical staff of different levels of expertise to enable him to deal with the various building projects referred to him As the main work of design and visualisation is of a responsible nature, it has to be done by senior qualified Architects. The posts of Architectural Assistants are mainly a kind of training ground for future Architects.

25.41. The Architect to Government has proposed that the structure of his office should be of a pyramidal pattern, and he considers that the present structure is somewhat top heavy. He recommends that the existing two posts of Deputy Architects may be reduced to those of Assistant Architects and one more Assistant Architect may be sanctioned. The pyramidal structure is, no doubt, ordinarily appropriate for a Department, but organisation must take account of practical considerations. If a number of large structures require to be designed and plans prepared for the same, the work and responsibility may be too heavy for only the Head of the Organisation to bear, particularly when the work may be spread over in the State. Considering also that senior persons in the profession may not be willing to be drafted for short assignments, it would be desirable in the administrative interests if the Architect has the ready assistance of Senior Architects who can be designated as Deputy Architects or Assistant Architects according to their professional skill and standing and remunerated suitably. The Architect and these Senior Architects assisting him could then be in independent charge of planning and designing specific works, though they may at all times be expected to work in mutual co-operation and guidance among themselves. The Architect's role would be that of a captain of a homogeneous team of technical experts who would co-ordinate the activities and allocate the works to himself and his junior colleagues. Such an organisation would also ensure continuity.

25.42. As regards the ministerial staff, the Architect to Government has proposed a revised pattern as indicated below :

Existing Pattern		*Revised Pattern*	
Head clerk ...	1	Head clerk ...	1
First clerk ...	1	First clerks ...	3
Senior clerk ...	1	Clerks-*cum*-Typists ...	4
Stenographer ...	1		
Clerks ...	3		
	7		8

The revised pattern proposed by the Architect to Government is recommended.

Superintendent, Parks and Gardens

25.43. The main activities of the Parks and Gardens organisation relate to the following :

(i) Development and maintenance of parks and gardens in Bombay, Nagpur, Poona, Lonavla, Kolhapur and Sangli. There are in all 13 public parks, 19 gardens around important Government office buildings, 80 gardens around residential buildings, 2 gardens in the premises of hospitals and 2 blocks of nurseries for ornamental plants. The total area covered by these works is about 606 acres.

(ii) Maintenance of 2 nurseries at Poona and Sangli for growing plants used in gardens and parks, road-side arboriculture, canal-side plantations, groves, etc.

(iii) Preparation of landscape designs required by Government Departments, local bodies and private individuals. Normally about 30 such designs are prepared every year. Fees are charged to all parties other than Maharashtra Government Departments.

(iv) Preparation of plans and estimates for roadside trees and grove plantings on demand from the Buildings and Communications Department and Irrigation and Power Department offices. About 20 plans and estimates are prepared in a year on an average.

25.44. A question considered was whether it is not the duty of the occupant, or the principal occupant, of a Government office building or residence to maintain the garden attached to the building. The Chief Engineer, Buildings and Communications

Department was of the view that the gardens attached to Government offices etc. are now being maintained in a better condition by the Parks and Gardens Department than in the old days when they were left to the care of the Malis employed by the occupants, in view of the higher technical competence of and the supervision exercised by the staff of the Parks and Gardens Department.

25.45. The question whether the Cooperage Garden and the Foreshore Road Garden in Bombay City could be handed over to the Bombay Municipal Corporation was also considered. As these gardens stand on Government land, it is not considered practicable to transfer them to the Municipal Corporation.

25 46. Field staff in Bombay have to be in attendance from 7 a.m to 7 p.m. practically all the year round. It is reported that this staff lives in the far away suburbs and cannot go home for lunch, even though they may have to remain idle during the mid-day hours. It is necessary that the field staff is provided accommodation as near their places of work as possible.

25.47. The Chief Engineer, Buildings and Communications Department is satisfied that there is no scope for reorganisation of the Department. I accept his view.

The Chief Engineer (Electrical)

25.48. The Electrical Organisation under the Chief Engineer (Electrical) consists of two wings, (i) the Executive Wing, and (ii) the Inspection Wing, each under a Superintending Engineer The Executive Wing, comprising 5 Divisions, looks after the preparation of plans and estimates relating to and execution and maintenance of electrical installations in all Government buildings in the State, including lifts, air-conditioners, refrigerators, loud-speakers, etc., and the Chief Engineer (Electrical) is responsible to the Buildings and Communications Department for the work of this Wing. The Inspection Wing comprises 8 Divisions and is responsible for the enforcement of the Indian Electricity Act, 1910, the Electricity (Supply) Act, 1948 and the Rules framed thereunder, the Bombay Electricity (Special Powers) Act, 1946 and orders and notifications issued from time to time, the Bombay Lifts Act, the Bombay Electricity Duty Act, 1958 and Rules framed thereunder, the Tax on Sale of Electricity Act, etc. This involves inspection of electrical installations of the Maharashtra State Electricity Board, private electric supply companies, factories, industries, medi pressure and high pressure installations, overhead dis

net-works, etc. and checking the accounts of the Electricity Boards, the licensees, private generators, etc. The Chief Engineer (Electrical) is responsible to the Industries and Labour Department for the working of the Inspection Wing.

25.49. A question of fundamental importance which needs consideration is whether it is proper for the Electrical Organisation to perform the function of an Inspecting Agency, while working as an agency for execution and maintenance of electrical installations in Government buildings. The Inspection staff is required to carry out inspection of the installation and maintenance work carried out by the Executive Wing. Since both the Wings are parts of the same Organisation, the inspections are not likely to be thorough and effective. The Chief Engineer (Electrical) has observed that, prior to 1964 in which year the inspection work was separated at the Divisional level from the executive work, the staff for executive and inspection work was common, with the result that inspection work was completely neglected and only the executive work was attended to. Though after the separation of the two Wings at the Divisional level the inspection work may be somewhat better organised than before, the objection in principle to the same agency doing both executive and inspection work still remains.

25.50. The question of the separation of the two Wings was considered in 1964. From what can be gathered from the proceedings, it appears that the original idea mooted in 1961 was to have a complete separation of the Inspection and Executive Wings and to place them under the Industries and Labour Department and Buildings and Communications Department respectively. In view, however, of the urgency of appointing additional staff for inspection work which was felt at that time, it was decided to take up the question of complete separation of the two organisations later and the separation was effected only at the Divisional level. The Buildings and Communications Department orders dated 24th February 1964 creating the two Wings clearly direct that the "separation of duties should be done *for the present* at the Divisional level" and that the two independent wings should work under the Electrical Engineer to Government, again "for the present". The question was later considered at length and eventually orders were issued in August 1968 upgrading the post of Electrical Engineer to Government to that of Chief Engineer (Electrical) and continuing both the Wings under him. The papers underlying the Resolution of 23rd August 1968 are not forthcoming, as they were reported to have been misplaced in the Buildings and Communications Department.

It appears from certain copies of proceedings made available that the Buildings and Communications Department was of the view that the Executive and Inspection Wings should be completely separated and that, if they were to continue under one and the same Administrative Head, the Electrical Engineer to Government should furnish further justification. It, however, appears that complete separation was not effected mainly because of the following grounds urged by the Electrical Engineer :

(i) The staff of the Circle whom he had informally consulted were not in favour of bifurcation of the Circle into independent departments.

(ii) The creation of two small departments would restrict the prospects of promotion and would be disadvantageous to the staff.

(iii) The two branches were working under one Head of Department for more than 50 years quite satisfactorily and as such complete division into two departments did not appear to be very necessary.

(iv) In the event of bifurcation, the staff would have to be allotted to the two branches arbitrarily, which might result in out of turn promotions and supersessions and create unnecessary complications.

25.51. The Electrical Engineer apparently carried the day and the objections repeatedly voiced by the Industries and Labour Department as well as Buildings and Communications Department to the combination of the two functions and the need to have an independent inspection agency were not given the weight they deserved.

25.52. *The grounds urged by the Electrical* Engineer, which have been referred to, relate mainly to personnel. These are not insuperable problems. A similar difficulty in the case of the Mechanical Sub-Divisions of the Buildings and Communications Department has been solved by having a common cadre of Deputy Engineers for these Sub-Divisions and the two Mechanical Circles of the Irrigation and Power Department. It is, therefore, recommended that the Chief Engineer should function exclusively in charge of the Inspection Wing, and be held responsible to Government in the Industries and Labour Department. The Buildings and Communications Department may have Electrical Sub-Divisions on the lines of the Mechanical Sub-Divisions in that Dep[illegible] The technical personnel of the Sub-Divisions and t[illegible] Inspectorate under the Chief Engineer (Electrical)[illegible]

on common cadres to be controlled by the Chief Engineer (Electrical) if considered desirable for the present. The personnel of the Electrical Sub-Divisions will, however, be under the administrative control of the Executive Engineer concerned of the Buildings and Communications Department.

25.53. At present the Inspection Wing is unable to carry out satisfactorily the duties enjoined on it under the statutory provisions of the Electricity Acts. The Indian Electricity Rules lay down that the consumers' electrical installations connected to the supply system of the suppliers (not being installations in mines, oil fields and railways or pertaining to the Government of India) shall be inspected and tested by the Electrical Inspector at certain intervals specified below :

(i) All extra high, high and medium voltage installations.	At an interval not exceeding one year.
(ii) The low tension installations in factory premises and in places of public amusement including cinema theatres.	Do.
(iii) All low voltage installations not falling under item (ii).	Five years from first installation and thereafter, at an interval not exceeding three years.

The Inspection Wing at present carries out the inspection of high pressure, medium pressure, and low tension installations in factories and places of public amusement, but inspection of low voltage installations (which include domestic installations) has not even been started owing to lack of staff, although it is the statutory duty of the Electrical Inspector to inspect these installations also. Even in the case of installations other than those of low voltage, the Chief Engineer (Electrical) has not been able to fulfil his statutory obligations which require that every medium pressure installation should be inspected once a year. Out of a total of 1,40,451 installations, as many as 50,809 remained to be inspected during 1968-69. The Chief Engineer (Electrical) has estimated that he would require an additional Assistant Electrical Inspector and 44 Electrical Sub-Inspectors to attend to these installations satisfactorily. During 1967-68 the Department was able to collect inspection fees amounting to Rs. 17 lakhs, while its expenditure on account of its establishment was of the order of Rs. 12 lakhs. If installations not hitherto

inspected are also covered, the revenue would increase correspondingly. There should, therefore, be no difficulty in meeting th expenditure on the staff required for inspection. It may also b mentioned that the work of the Inspection Wing is expected t increase considerably during the Fourth Five-Year Plan, as th Maharashtra State Electricity Board has an ambitious programme o rural electrification and consequently the number of medium pressur and high tension installations and sub-stations is increasing rapidly I see no justification or excuse for the failure of the Administratio to carry out the statutory responsibilities for Inspection placed or it for public safety and good. I, therefore, recommend that a review of the volume of inspection work which is required to be done statutorily may be taken and adequate staff sanctioned for th Inspectorate.

25.54. The Chief Engineer (Electrical) has also complained of th shortage of staff for the collection of electricity duty and tax on sal of electricity. The total amount of annual duty recovered is of the order of Rs. 12 crores, while the cost of the additional staff of 6 Assistant Electricity Duty Inspectors which the Chief Engineer requires would be a negligible fraction of the revenues collected. It is, therefore, recommended that additional staff for this work may also be sanctioned for the Electrical Inspectorate.

25.55. The Chief Engineer (Electrical) has also asked for additional clerical staff for strengthening the Divisional Offices. The clerical work of these offices is expected to increase after the additional staff recommended earlier for inspection work and for collection of electricity duty etc. is appointed. The strength of clerical staff to be sanctioned may be assessed by the Administrative Department in the light of the volume of work.

Chief Ports Officer

25.56. The minor ports in the Maharashtra State area were being administered by the Collector of Central Excise as agent of the State Government before September 1958. In 1958, 11 of these ports were taken over from the Collector of Central Excise and entrusted to the Principal Ports Officer and Engineer, Bombay State, who was then administering the ports in the Saurashtra and Kutch regions as well as the port of Okha in the Gujarat region. The major expansion of the Department has taken place after 1960 when the remaining 22 ports were taken over for management from Collector of Central Excise.

25.57. The Ports Organisation administers the Indian Ports Act, 1908 and the Bombay Landing and Wharfage Fees Act, 1882. Its main activities relate to the general conservation of the minor ports and the preparation and execution of plans for their development, providing facilities for navigation of vessels at these ports, facilities to passengers and crew, control of passenger traffic and cargo, ensuring the safety of shipping within the port limits and recovery of various fees under the Bombay Landing and Wharfage Fees Act, 1882. It has a Hydrographic Survey Section and also a Marine Engineering Section which looks after the maintenance of and repairs to various crafts used for dredging and for survey work.

25.58. The Chief Ports Officer has pointed out that hydrographic survey is a pre-requisite for any marine construction work or for marking navigational channels. Hydrographic survey is also necessary before and after undertaking a dredging programme. The existing two survey teams sanctioned for hydrographic survey work are, however, far too inadequate. There is also considerable difficulty in filling the posts in these teams by persons with the necessary qualifications. The Chief Ports Officer has submitted proposals to Government for reorganising the Hydrographic Survey Section and for upward revision of the pay scales of the technical personnel. These proposals are under the active consideration of Government.

25.59. The Chief Ports Officer has observed that the Ports Organisation is at present in a fluid state and that it would be desirable to await further developments for a few years, say 5 years or so, before drawing any final conclusions regarding the optimum organisation for the Department. In the circumstances, it is premature to prescribe a rational set-up for the Ports Organisation.

Secretariat Organisation of the Buildings and Communications Department and the Irrigation and Power Department

25.60. The Administrative Reorganisation Committee has recommended that the most appropriate pattern for the Secretariat organisation of the two Departments is to have only one Chief Engineer in the Buildings and Communications Department and one, or at the most two, in the Irrigation and Power Department, who will be given Secretariat status and entrusted with the functions of giving advice to the Secretary and the Minister on the technical aspects of the proposals, as well as with the processing of these proposals in consultation with other Departments. The other Chief Engineers will be in charge of (*a*) projects or groups of projects, or (*b*) territorial charges. Government has accepted the recommendation,

with the slight modification that the remaining Chief Engineers may be either functional, or according to projects, or territorial. Government has also desired that the Chief Engineers and other Engineers assisting them in the two Secretariat Departments should not be assigned any field functions. The recommendation is not yet, and it cannot be said when or if ever it will be, implemented. Enough has been said earlier of the ways of the Administration in tackling unpalatable decisions. Without discipline, there is little scope for rationalisation of the Administration.

ANNEXURE 19

(*Vide* para. 25.16)

List of common types of irregularities noticed by the Inspecting Authorities

1. Schedule of rates not revised in time (Paragraphs 385 and 451 of the Maharashtra Public Works Manual).
2. Cases in which rates for Extra Items were sanctioned after their execution.
3. Cases of incomplete stock accounts and non-revision of issue rates.
4. Cases in which the registers of works were not posted by sub-heads.
5. Cases in which Road Metal Returns were not maintained.
6. Cases in which there was delay in adjustment of advance given to Contractors.
7. Cases in which the machinery (T. & P.) was given on hire to Contractors but recovery of the charges was not correctly made.
8. Irregularities in case of Muster Rolls.
9. Cases in which estimates were not revised in time.
10. Miscellaneous Irregularities like delay in issue of disposal of monthly audit notes of Sub-Divisional Accounts, delay in disposal of Inspection Notes of Sub-Divisions, Road Metal Account not maintained properly, non-surrender of funds, materials-at-site account not maintained properly, Machinery Check measurements by Divisional Officer not done, non-maintenance of log books of machinery, etc.

ANNEXURE 20

(*Vide* para. 25.22)

Staffing pattern recommended for a Sub-Division, Division and Circle Office

SUB-DIVISION

1	Recommended by Shri Mathrani 2	Recommended by Shri Joglekar 3	Recommended by Commr. (AR) 4
Technical Section			
Deputy Engineer ..	1	1	1
Overseer ..	3	5 (or 4 + 2 Sub - Overseers).	5 (or 4 + 2 Sub-Overseers).
Tracer ..	1 for project Sub-Dn. No tracer for normal Sub-Dn.	1	1
Mistries ..	..	3	3
Clerical Section			
Sr. Clerk ..	1	1	1
Jr. Clerk ..	*3, 2 or 1 for* heavy, light or project Sub-Dn.	1 + 1 *for heavy* Sub-Dn.	1 + 1 (*for Kalelkar* award) + 1 (for heavy Sub-Dn.).
Assistant Storekeeper ..	..	1	1
Typist	..	1	1
Writing Karkoon for an Overseer.	..	..	1 (for Overseer in charge of H. Q. Bldgs.).
Karkoons ..	..	6 to 8 depending on no. of beats.	6 to 8
Class IV Staff			
Peons ..	3	3	3
Chowkidar ..	1 if necessary.	2 if necessary.	2
Attendants ..	..	5	5
Technical Section			
Executive Engineer ..	1	1	1
P.A. ..	..	1 (where workload exceeds normal by more than 25 %)	1 (where workload exceeds normal by more than 25 %).
Overseers ..	3	4	4
Draftsman ..	1	1	1
Assistant Draftsman ..	1	1	1
Tracers ..	2	3	3
Computor ..	1	1	1
Mechanical Overseer ..	..	1	1
Statistician ..	..	1	1

ANNEXURE 20—*contd.*

DIVISION

1	Recommended by Shri Mathrani 2	Recommended by Shri Joglekar 3	Recommended by Commr. (AR) 4
Accounts Section			
Divl. Accountant ..	1	1	1
Senior Accounts Clerk ..	1	1	2
Senior Clerks ..	2	2	6 + 1 (for Kalelkar Settlement work).
Junior Clerks ..	4	2 + No. of Sub-Dvns. in the Dvn.	2 + 1 for every addl. Sub-Divn. beyond 4.
Store Keeper ..	1	1	See Stores Section below.
Assistant Storekeeper ..	..	1	
Senior Clerk for Stores ..	..	1 [for every 3 lakhs of stores above normal (1 lakh)]	
Correspondence Section			
Head Clerk ..	1	1	1
Senior Clerks ..	2	2	2
Junior Clerks ..	3	3	4
Typists ..	2	3	3
Steno-typist ..	..	..	1
Class IV Staff			
Daftary ..	1	1 of Jr. Clerk's status.	1 of Jr. Clerk's status.
Naik ..	1	..	..
Peon ..	5	7	7
Chowkidar ..	1 (if necessary)	4	1

STORES SECTION

Stock Limit (in Rs.) 1	Store Head Clerk 2	Store er	Store Clerk 4	Mechanic 5	Asstt. Store Keeper 6	Chowkidar 7	Hamal 8
Upto 2 Lakhs ..	..					1	1
2 to 5 lakhs ..	..					1	2
5 to 8 lakhs ..	..			2			4
A 8 lakhs ..	1						4

ANNEXURE 20—*contd.*

CIRCLE OFFICE

	Recommended by Shri Mathrani	Recommended by Shri Joglekar	Recommended by Commr. (AR)
1	2	3	4
Technical Section			
Superintending Engineer	1	1	1
Deputy Engineer ..	1	1	1
Overseers ..	2	4	4
Head Draftsman ..	1	1	1
Assistant Draftsman ..	1	1	1
Architectural Draftsman.	..	1 (for R & B Circle).	1 (for B & C Circle).
Tracer ..	1	2	2
Computors ..	1	2	2
Correspondence Section			
Head Clerk ..	1	1	1 or Admnv. Officer Cl. II for territorial & constrn. Circles in lieu of Hd. Clerk.
First Clerk ..	1	2	2
Sr. Accounts Clerk ..	1	2	2
Senior Clerks ..	3	4	4 + 1 (for Kalelkar Settlement work).
Junior Clerks ..	4	6	5
Typists ..	2	3	3
Store Superintendent ..	..	..	1
Stenographer ..	..	1	1
Statisticians ..	..	2	2
Class IV Staff			
Daftary ..	1	1 (of Jr. Clerk's status).	1 (of Jr. Clerk's status).
Naik ..	1	1	1
Peons ..	6	5	5
Chowkidar ..	1 (if necessary).	1	1

ANNEXURE 20—*contd.*

Sub-Division for Survey and preparation of Plans and Estimates

Staff 1	Recommended by Shri Joglekar 2	Recommended by Commr. (AR). 3
Deputy Engineer	1	1
Overseers and Surveyors	8	8
Sub-Overseers	3	3
Senior Clerk	1	1
Junior Clerk	1	1
Tracers	2	2
Peons	3	3
Chowkidars	2	2
Attendants	8	8
Typist	..	1

Division for Survey and preparation of Plans and Estimates

Staff 1	Recommended by Shri Joglekar 2	Recommended by Commr. (AR) 3
Executive Engineer	1	1
Overseers	4	4
Draftsman	1	1
Assistant Draftsman	1	1
Tracers	3	3
Computors	3	3
Senior Accounts Clerk	1	1
Senior Clerks	2	2
Store Keeper	1	1
Head Clerk	1	1
Junior Clerks	3	3
Typists	3	3
Peons	7	7
Chowkidar	2	2
Steno-typist	..	1

ANNEXURE 20—*concld.*

STATEMENT

(Showing the additional posts recommended over and above the posts included in the staffing pattern suggested by Shri Joglekar)

1	Designation 2	No. of addl. Posts 3
Sub-Division	Junior Clerk ..	2
Division	Senior Accounts Clerk .	1
	Senior Clerk ..	4
	Junior Clerk ..	— 3
	Steno-typist ..	1
Store Staff (depending on workload) ..	Store Clerk ..	1 to 3
	Mechanics .	1 to 2
	Chowkidar ..	— 1 to — 2
	Hamal ..	1 to 4
Circle	Adm. Officer ..	1
	Senior Clerk ..	1
	Junior Clerk ..	— 1
	Store Supdt. ..	1
Sub-Division for Survey and Plans and Estimates.	Typist . ..	1
Division for Survey and Plans and Estimates ..	Steno-typist ..	1

ANNEXURE 21

(*Vide* para. 25.27)

Proposals for reorganisation submitted by the Superintending Engineer, Mechanical Circle (Gates), Poona.

" The following will indicate the existing accounting and administrative set-up and what the revised set-up is meant to achieve.

Existing

(a) At present, there is one Work-shop Division, which is accounting Division and it has only one Sub-Divn. under it, i.e., Machine Shop Sub-Divn. Dapuri Workshop Sub-Divn. which is under administrative control of Workshop Divn. is a separate accounting Unit with independent accounts submitted directly to A.G.

The Superintending Engineer, Mech. Circle (C.P.) had proposed to upgrade the post of Dy. Engr., Dapuri Workshops to that of Plant Engineer, *Vide* No. Ec/I/G-100/B-11205, dated 10th August 1967 which would mean additional burden on Govt.

(b) Under the existing set-up there is only one Gate Mfg. Divn. submitting accounts to A.G., i.e., Sluice Gate Mfg. Divn. Dapuri, with the result that it has now directly under it 15 Sub-Divns. submitting accounts for incorporating in the accounts of the Divn. besides six Chief Erection Units.

In addition to above, Mech. Divn. Nanded and Mech. Divn. Nagpur pass on the expenditure booked by them through Gate Erection Sub-Divn. under their accounting control, to Sluice Gate Mfg. Division, Dapuri.

(c) At present we have 5 Chief Gate Erection Units and 8 Gate Erection Sub-Divns. For each Unit is to have two Gate Erection Sub-Divns. Manar Mech. Sub-Divn. and E. & M. Sub-Divn. Sidheshwar are at present attached to this Circle under Chief Gate Erection Units at Yeldari.

Revised

(a) Under the revised set-up Workshop Divn., Machine Shop Sub-Divn. and Dapuri Workshop Sub-Divn. are unified as a single Unit and termed as Mechanical Engineering and Workshop Dn., Dapuri, under the Executive Engineer with no independent Sub-Divisions.

Since, in the revised set-up, the Executive Engineer would lead the unitary set-up, the proposal for upgrading the post of the Dy. Engineer can be dropped.

(b) Under the revised pattern, it is proposed to have 5 accounting Divns. who will share the Sub-Divisional load as under:

(1) *Sluice Gate Mfg. Divn., Dapuri :*
- (a) Sluice Gate A-1, Sub-Divn.
- (b) Sluice Gate A-2, Sub-Divn.
- (c) Sluice Gate A-3, Sub-Divn.
- (d) Sluice Gate A-4, Sub-Divn.

(2) *Radial Gate Mfg. Divn. A. Dapuri :*
- (a) Radial Gate Mfg. Sub-Divn. A-1.
- (b) Radial Gate Mfg. Sub-Divn. A-2.
- (c) Chief Gate Erection Unit 1, Yeldari.
- (d) Chief Gate Erection Unit 4, Yeldari.

(3) *Radial Gate Mfg. Dn. B, Dapuri :*
- (a) Radial Gate Mfg. Sub-Divn. B-1.
- (b) Radial Gate Mfg. Sub-Divn. B-2.
- (c) Chief Gate Erection Unit No. 3, Khadakvasla.
- (d) Chief Gate Erection Unit No. 6, Girnanagar.

(4) *Hoist Mfg. Division, Dapuri :*
- (a) Hoist Mfg. Sub-Divn. No. 1.
- (b) Hoist Mfg. Sub-Divn. No. 2.
- (c) Chief Gate Erection Unit No. 2, Bor.

(5) *Gates Drawing and Designs Unit, Dapuri :*
- (a) Inspection Sub-Division.
- (b) Design Sub-Division.
- (c) Civil Construction and Mfg. Sub-Dn.

(i) Under the above set-up the accounting control is evenly distributed. (ii) There will not be any double entry in the sense that no Gate Erection Sub-Divn. will be submitting accounts to a Mechanical Divn. which will in turn pass it on to a Gate Mfg. Divn. Accounting of expenditure at one source only will result in better financial control over expenditure.

(c) In the revised set-up the Manar Mech. Sub-Div. and E. & M. Sub-Divn. are proposed for conversion as Gate Erection Sub-Divns.

In the event of the Unit and these two Sub-Divns. not having adequate workload, they can be *en-bloc* handed over to the Mechanical Circle, (C.P.) for his use.

ANNEXURE 21—*contd.*

Existing	*Revised*
(*d*) In the existing set-up, the Gate Mfg. charges as well as Gate Erection charges have no uniform pattern of staff.	(*d*) In the revised set-up a uniform staff pattern is proposed for Gate Erection charges and another for Gate Mfg. charges.
(*e*) Under the existing system, the Gate [illegible] have no direct financial and accounting control over the Sub-Divns. under them. The expenditure is booked in the Mech. Divns. who are not in touch with the Gate Erection programme and is then passed on to the Sluice Gate Mfg. Divn. who has no direct control over the Gate Erection Sub-Divn. The lack of proper financial control and Government's apprehension as to how the watch over expenditure is being exercised [illegible] IND- 1967 [illegible] Gates/ [illegible]	(*e*) Under the revised set-up for the purpose of accounts and general administration, each Gate Erection Unit and the two Gate Sub-Divns. attached to it, would act as a single body. The Ex. Engr. of the Erection Unit [illegible] Divns. under him. The accounts will go to the Gate Mfg. Divn. instead of first passing through the accounts of Mechanical Divn. (3) The work load will be evenly distributed. (4) The Mech. Divn. will be relieved of the accounts pressure to that extent.
(*f*) Under Office No. 6346, dated 10th July 1964 the Superintending Engineer, Mech. Circle, had submitted proposal for an Elect. Sub-Divn. Govt. had in Letter No. COF/1564/72728-IP (I), dated 9th March 1965 requested to take up the matter with Elect. Divn., Poona. Any final proposal would ultimately involve additional financial outlay.	(*f*) In the revised set-up one Equipment Maintenance Sub-Divn. has been accommodated within the existing overall financial budgetary limit. It will look after Mech and Elect. maintenance of equipment, Dapuri. With the approval of the above the proposal for setting up of Elect Sub-Division can be dropped.
(*g*) In the meeting of the Superintending Engineers with Hon. Minister (I. & P.D.) at Poona on 16th July, 1967 minutes of which were received under Govt. No. SE (Mect/M (*I. & P.*) *67-68-Insp. Unit,* dated [illegible] dated 9th September 1967.	(*g*) In the revised pattern, the wishes of the Hon. Minister and the instructions of the Government have been taken into account. An inspection Sub-Divn. to exercise quality *control has been proposed* under the Planning Engineer, Drawing and Design Unit, without the necessity of *additional funds for this* purpose. On approval of this set-up the proposal for a separate quality control unit and additional cost can be dropped.
(*h*) Originally the Circle had six Gate Erection Units. The S.E., M.C., had submitted proposal for setting up Hoist Mfg. Divn. with 3 Sub-Divns. The setting up of a fullfledged Hoist Mfg Divn. is held up for want of equivalent saving *vide* Govt. No. COE/1564/107254-IP (I), dated 4th August 1966. At present one Erection Unit and two Erection Sub-Divns. have been converted as Hoist Mfg. Sub-Divn. and Hoist Mfg. Sub-Divn. Nos. 1 and 2. This is only a Unit, not a fullfledged Divn. as originally envisaged.	(*h*) In the revised pattern, the Erection Unit and 2 Sub-Divns. converted for Hoist Mfg. purposes are brought to the strength required to function as an accounting Divn. within the existing budgetary limit. With the approval of above, the creation of a separate full-fledged Hoist Mfg. Division with 3 Sub-Divns. can be shelved for the present."

CHAPTER 26

THE SALES TAX DEPARTMENT

26.1. The Sales Tax Department is the largest revenue earning department of Government. In a State such as ours, where trade and commerce play an important part, the efficient and proper organisation of this department affects the trading community and the flow of trade and commerce in the State vitally. I may say, in all humility, that I was the Sales Tax Commissioner from May 1960 to August [illegible]. During this period constant efforts were made to rationalise and [illegible] the organisation of the Department. The optimum strength which was aimed at and was being gradually achieved was as follows:

[illegible]

26.2. One Sa[illegible] the Assessing Officer in charge of the Sales Tax [illegible] complement of five Sales Tax Inspectors, one [illegible] Pre-Assessment Work and Administration [illegible] concerned with checking up Issue of Not[illegible] these Inspectors to go through the books o[illegible] prepare a factual report with particular refe[illegible] asked to look into by the Assessing O[illegible] be concerned with the post-assessment work [illegible] Notices, recoveries, etc.; it was contemplated [illegible] Administrative Assistant Commissioner within [illegible] to supervise and guide the work of about 9 to [illegible] a Deputy Commissioner was provided for the c[illegible] Marathwada Districts with headq[illegible] a Deputy Commissioner was provided at Poona, for [illegible] Maharashtra. There were initially two, later [illegible] Commissioners for Bombay City, of whom the third one was [illegible] after the recovery of arrears; there were a compl[illegible] Commissioners (Appeals) and Deputy Commissi[illegible]

and Revisions. For attending to the cases before the Sales Tax Tribunal, there was a Government Agent of the rank of Deputy Commissioner, assisted by four Additional Government Agents of the rank of Sales Tax Officers. There is also for Bombay City a Branch with a complement of Sales Tax Officers and Assistant Commissioners under a Deputy Commissioner of Sales Tax called the Enforcement Branch. This Branch deals with cases of evasion. The Commissioner of Sales Tax was the single Head of Department over the entire organisation and was assisted by one Deputy Commissioner at Headquarters, one Assistant Commissioner for Administration and four officers of the rank of Sales Tax Officers.

26.3. Reference has been made earlier* in the first part to the introduction of an Additional Commissioner of Sales Tax in independent charge of Administration and Establishment. Soon thereafter, the Additional Commissioner thus introduced also continued to function as Commissioner of Sales Tax for several years. I shall refer again later to this post of Additional Commissioner of Sales Tax.

26.4. The Commissioner of Sales Tax, on a review of the Department at my instance, has reported that it is felt by some of the Deputy Commissioners that the Assessing Sales Tax Officer is unable to cope with the load of work if five Inspectors are attached to him It seems that except in mofussil areas where there is only one Sales Tax Officer, in an office generally three Assessing Sales Tax Officers together form a Unit of Assessment. For such a Unit, one Sales Tax Inspector for the administration and pre-assessment work shared by all the three Assessing Officers is considered adequate. In addition, it is considered sufficient to attach four Inspectors to each Assessing Officer. Where the office is manned by a single officer, the attachment of five Inspectors is considered in order. I accept these proposals and recommend accordingly.

Targets

26.5. A considerable portion of the Commissioner's review is devoted to the question of targets. It appears that the target of Assessment fixed is 160 ps. for the Central Division, 150 ps. for the Eastern Division and 120 ps. for the Bombay Division 'P' here stands for an Assessment Year covering returns for four quarters. The target for Bombay has been fixed lower because the work in Bombay is much more complicated. Under the State Sales Tax law, the bu

* Paragraph 4.10.

of the sales tax revenue is collected at the first stage of sale. As Bombay is an important commercial and manufacturing centre and imports are also channelised through Bombay, the bulk of the Sales Tax revenue is collected in Bombay. According to the Commissioner, about 80% of the Sales Tax revenue, 90% of the Central Sales Tax revenue, a major portion of the revenue under the sugar-cane purchase tax and practically the entire motor spirit tax revenue accrue in Bombay. The assessments in the Eastern and Central Divisions are far less complicated. The Commissioner considers that the present targets are too high and has suggested a target per officer of 105 ps. for Bombay City, and 135 ps. for the Central and Eastern Divisions.

26.6. In regard to these targets of assessment, it must be understood that the target for each area is fixed on the basis of an average return. All too often, the Supervising Officers may fall into the error of treating these targets as absolute and goading the staff to comply with them. It is very necessary that in judging the individual performance of an officer the complexity of the cases handled by him should not be overlooked. In the first instance, the Commissioner has himself observed that in Bombay City there are some assessees whose turn-over runs into millions of rupees. Obviously, the transactions of such dealers would be of a multifarious nature. If the accounts are to be thoroughly scrutinised and sales and purchases made against documents gone into, as also the nature of consignment sales examined, etc., it would be grossly unrealistic to expect the Sales Tax Officer dealing with such an assessee to adhere to the target prescribed for the others. I would suggest that there may be an average target for a Division; but, in the light of the complexity of the cases handled by each officer, individual targets may be fixed for him which would vary from officer to officer and from time to time.

26.7. In fixing the targets, while the average disposal may be one of the factors, if the fixation of targets is a device to enable the Supervisory Officers to keep the Assessing Officers on their toes, there would be little substance in equating the targets to the average achieved. I would suggest that in fixing the targets, the higher officers should have in mind what an intelligent and conscientious officer can be reasonably expected to achieve and in fact achieves. Thereafter, particularly with regard to new-comers to the Department, or promotees while they are still under observation, their work should be under rigorous scrutiny to ascertain whether they can achieve these targets fixed on the basis of what

an intelligent and conscientious officer could be expected to handle. It is only those who can deliver the goods that deserve to be continued. I appreciate that if this principle is applied, efficiency would have to contend against compassion and *vice versa*. In the final analysis, it is for Government to decide whether compassion for particular servants or class of servants should prevail over the consideration of efficiency.

26.8. Incidentally, from the review of the Sales Tax Commissioner, it appears that he felt that if reasonable targets were prescribed, an increase in the number of Sales Tax Officers would be indicated. He thought it prudent, if not necessary, to balance the increased strength of Sales Tax Officers with some decrease in other cadres, as otherwise the increase would mean extra expenditure.

26.9. If I may say, with respect, this approach, though likely to help in securing the ready concurrence of the Finance Department to proposals for strengthening the cadre of Sales Tax Officers, is hardly a rational approach. If the increased strength of Sales Tax Officers can be justified on the ground that assessments would thereby be attended to more systematically and soundly which would result in increased revenue and in fewer appeals, that should be sufficient justification for such a proposal and it is not necessary to offer a sop by reducing the number of Sales Tax Inspectors unless such reduction is independently justified.

Scheme for "*Officer-oriented*" *Assessments*

26.10. While the proposals of the Sales Tax Commissioner were still under examination by me, it appears that certain proposals were submitted directly to Government for introducing by way of an experiment in the Central Division, what has been described as "A scheme for making Assessment Officer-oriented". There is no reference to such a scheme in the proposals which were submitted to me But, on an examination of the scheme and the data furnished, I am not satisfied that the scheme either requires to be continued or to be extended. Under the scheme, two of the five Sales Tax Inspectors attached to the Sales Tax Officer would be converted into Sales Tax Officers and they would do the assessment work of retailers and petty dealers without the assistance of Sales Tax Inspectors. Now it is always possible in framing a new scheme to make certain assumptions with regard to the working of the scheme which it is intended to replace as well as the new scheme itself to show that the new scheme would be cheaper than the

...scheme. I have my misgivings regarding comparable costs *based on targets which have not been achieved* as also on targets *about the achievement of which no one can* be sure. Besides, *for the purpose of comparison of the relative dis*posals and costs, *the population of assessments taken into account m*ust be compar- *able under both the sets of circumstances. This i*s not the case *here. As for improvement in quality of assessme*nt, these words *can be used eloquently but may mean nothing* unless they are *supported by data of improved yields.*

The Essence of Officer Orientation

26.11. In the Sales Tax Administration, the clamou... oriented assessments is not new. The experience over ... be under- indicates that the clamour is mainly from certain ... average Practitioners who tend to compare the Assessment Proc... into the the Sales Tax Department with those in the Income Tax ... staff to ment. *The basic difference in the two systems of taxation* ... indivi- in the Income Tax Assessment, the Assessing Officer is co... andled with the net return. This is a matter which the Assessing ... mmis- must decide by the application of his own mind. Under Sales ... some the tax is on taxable turn-over. There are intricate rules fo... usly, ing taxable turn-over from gross turn-over and factual verific... ture. is necessary to ascertain whether the claims in respect of the ... and turn-over for exemption of tax made by the Assessee are just... of by prescribed supporting documents and comply with the prescri... to conditions. If all this work were to be done by the Sales Tax Office... re himself, the assessment of individual dealers in the bigger ca... re may extend to months or the scrutiny by the Sales Tax Offic... he ...ould be of ... slip-shod and rough and ready ... which would ... result in large leakage of revenue. The present ...ssessees but ...ion and of administration has duly taken into account the n...xat... for the officer himself to apply his mind to matters calling for decision and initiative. There are Standing Orders that when each assessee is called up, there is a preliminary hearing in the light of which the Sales Tax Officer gives instructions for factual verification to the Inspectors. It requires to be emphasised that officer-orientation does not mean that routine and time-consuming jobs which could be delegated to subordinates should also be done by the officers themselves. Officer-orientation is wholly compatible with a proper system of delegation and of assistance from subordinates over whose work there is proper supervision. In fact, in any system o... ...tional a...istration, the assistance available from subord... ...hose...

be effectively supervised and the scope for delegation cannot be sacrificed for the slogan of 'officer orientation'. Besides, given the scope and temptation for corruption, an assessment procedure in which accounts are examined at 2 levels, viz., the Inspector and the Officer, would inhibit the chances of corruption far more than a procedure whereby the person who finalises the assessment is the only one who examines the accounts.

Summary Acceptance of Return

26.12. The main purpose of the department is to collect the dues with a minimum cost. It would be well worthwhile to concentrate on the bigger dealers whose liabilities are high and where the stakes are considerable, rather than waste time on petty retailers. From a utilitarian point of view, it is not at all worthwhile to undertake any elaborate assessment for a class of dealers in whose case generally, the actuarial cost per assessment to the assessor and the assessee exceeds the additional revenue yielded by the assessment. From this point of view, a proposal under examination at the time I left the Department was that in the case of pure retailers, instead of taking up their assessments annually, assessment could be taken up, say, once in three years at random. An Assistant Commissioner sitting in his office could select the Registration numbers of the dealers to be assessed by a reference to the Table of Random Numbers or other randomising procedure. These dealers can be assessed by the Sales Tax Officers and the remaining returns could be accepted. It is only in those cases where, on the basis of such random assessment, considerable leakage of revenue is disclosed that it is necessary to reopen earlier assessments. Apparently, this proposal was not pursued further. I feel that any increase in the effectiveness of the Department would be in this direction rather than in that of catering for a large number of assessees whose aggregate liability is so small as to make their assessment only marginally productive, if at all and to build up an army of Sales Tax Officers (Officer-oriented) for the purpose. I do not minimise the scope for popularity for an Administrator which increases promotion prospects by multiplying the number of officers. But, Government has to make a hard choice between catering for such popularity and securing the optimum organisation.

The Government Agent's Organisation

26.13. One Branch of the Sales Tax Organisation in which there has been considerable inflation is that of the Government Agent. The

following table shows the strength of the Government Agent's Organisation and the disposal of cases in each year since 1960 :

Year	No. of Government Agents				Total Appeals Disposal	Average per Officer	Average per month
	Dy. Commr.	Asstt. Commr.	S.T.O.	Total			
1960 ..	..	2	..	2	311	155	15
1961 ..	..	1	1	2	349	175	16
1962 ..	..	1	1	2	486	243	22
1963 ..	1	..	4	5	897	180	16
1964 ..	1	..	4	5	1,410	282	25
1965 ..	1	..	4	5	2,018	404	36
1966 ..	1	1	10	12	2,617	217	20
1967 ..	1	1	10	12	2,084	174	16
1968 (Estimated) ..	1	1	10	12	1,400	115	10

This will clearly show that the number of cases dealt with by a Government Agent per month comes to 10 only. If the Deputy Commissioner and Assistant Commissioner are not appearing before the Tribunal, and the cases are represented by the Additional Government Agent (Sales Tax Officer) the average comes to only 12 cases per month. In the year 1965, the average cases dealt with by an officer came to 36. The present average is too low. It should be possible for an officer to deal with at least 30 cases per month. Of these 10 cases would be on minor points which would not require much preparation for arguments. It also happens that if a new principle is laid down by the Tribunal or High Court on grant of certain relief, many appeals and revisions are filed with a view to getting this principle applied in the case of the appellant. The Department concedes such cases and much work is not required on the part of the Government Agent. It has also become common practice to fight out cases up to the Tribunal even on small issues. In several appeals relating to different years of assessment of the same appellant, the points involved are common. Looking to all these considerations, one can safely say that, of the cases dealt with by an Agent during a month roughly 1/3rd would be complicated cases, 1/3rd would be cases requiring a little preparation and the remaining 1/3rd would not involve more than trivial work. In view of this, the present number of Government Agents appears to be too large and requires to be reduced.

26.14. It may be of interest to note that though the number of Tribunal Benches increased from 3 to 5, the total disposal came down from 2,617 to 2,084 in the year 1967. On account of the increase in the number of Benches, the number of Government Agents was increased by 5. But the increased staff has continued though the present number of Benches is 3. Assuming that the Tribunal may dispose of 50 cases per Bench, the total disposal per month would be 150. At best this would give work to 5 Assistant Government Agents.

26.15. The matter was discussed on my behalf with the Government Agent. The reasons given by the Government Agent for the expansion which has taken place are that the judgments of the Tribunal are very lengthy, that the Government Agents have to read out from these lengthy judgments, that practitioners play to the gallery, that this results in long-drawn-out arguments. All this would indicate that the quantum of work done as reflected in the number of cases decided would be quite low. The Government Agent also appears to have arranged that two Additional Government Agents would argue the cases before each Bench in every alternate week and in the following week they would be engaged in preparing for their cases for the week thereafter.

26.16. As explained previously, in about one-third of the cases, some new points would be involved which would involve heavy preparation. Another one-third of the cases would be on minor points and in the remaining, the Tribunal would be following its earlier judgments. The really serious cases requiring study and thought would, therefore, be about 50 cases a month. 12 Additional Agents preparing for these 50 cases would indicate that for the greater part of the month they have little work to do. On the basis of 30 cases per month, not more than 5 Additional Government Agents would be justified. This workload is also by no means heavy. But, considering that there are 3 Benches, 2 Assistant Agents per Bench may be allowed. That would leave the strength of Additional Government Agents at 6.

26.17. As for the Joint Government Agent, no clear justification is offered for relieving the Government Agent nor are any clear data furnished about the work done by the Joint Government Agent. It was stated that the Additional Government Agent looks after the work of 2 Benches out of 3 and the Joint Government Agent looks after the work of the Third Bench. Even with regard to the work of the Third Bench, the Joint Governme Age 'ould

be required to take orders of the Government Agent on points of law and to submit his proposals on the adverse decisions of the Tribunal to the Commissioner through the Government Agent. An Assistant Commissioner attending exclusively to First Appeals from Assessment Orders is expected to give a disposal of 120 cases per month, in addition to Orders on preliminary matters etc. These 120 cases require not merely a study of the lower orders but also detailed hearing. Each Order has to be a self-contained Order, containing all the facts and the points in dispute and the Assistant Commissioner's decisions thereon both on points of fact and of law. As against this work done by the Assistant Commissioner, the Government Agent is required to look into the briefs prepared by the Additional Government Agents and to note his instructions either on points with which he does not agree or on additional points. This advice is necessarily brief as the points are left to be developed in argument by the Additional Agents who would be arguing the cases. When it comes to submitting proposals to the Commissioner in regard to adverse decisions of the Tribunal, none of the cases are new cases. The cases would have already been handled by the Government Agent before they were argued when finalising the briefs of the Additional Agents. The point to which he has to apply his mind is that part of the judgment which is adverse and the reasoning on which it is based. Taking a comprehensive view of the nature of work of the Government Agent and his duties, I am satisfied that, if he is reasonably competent, he should have no difficulty in attending to the work of the Branch without the assistance of a Joint Government Agent. On the Administrative side, an Administrative Assistant Commissioner readily handles the work of 9 to 10 Sales Tax Officers or more. The Government Agent should have no difficulty in supervising the work done by six Additional Government Agents which is not more really than the work of five Additional Government Agents which is the number justified in terms of the workload. I, therefore, recommend that the post of Joint Government Agent should be abolished and the number of Additional Government Agents reduced to six.

26.18. Incidentally, there is one other point arising out of the work of the Government Agent's Office. It seems that in regard to proposals received from the Government Agent in the Commissioner's Office, these are again scrutinised from the level of a Sales Tax Inspector upwards. I do not see the need for any such scrutiny. The proposals coming to the Commissioner are the proposals of the Government Agent who is his Deputy Commissioner for this

work. The issues on which the reference is received are issues either of law or of policy. On both these matters, the Commissioner should be able to make up his own mind on the basis of the report submitted by the Government Agent without fresh scrutiny from the Inspector upwards. In a particular case where the Commissioner may need further advice, he could always consult either the Deputy Commissioner, Headquarters or any other Deputy Commissioner of his choice.

Additional Commissioner of Sales Tax

26.19. I now come to the post of Additional Commissioner. The post is totally unnecessary for the functions for which it has been created. The Sales Tax Act charges the Commissioner with the responsibility for implementing the Act. The implementation of the Sales Tax Laws cannot be divorced from effective control over either Administration or Establishment. In fact, the very history of the post, to which I have referred earlier* in Part I, shows that the post is unnecessary. Besides, when the Act itself says that the Additional Commissioner can be appointed to assist the Commissioner, the appointment of an Additional Commissioner who is held directly responsible to Government goes against the wording no less than the spirit of the law. The main work of the Sales Tax Department lies in Bombay. Inspections by the Commissioner in the Mofussil are indicated only for the offices of the Deputy and Assistant Commissioners over a particular cycle. The other Mofussil offices can well be left for inspection to Deputy Commissioners and Assistant Commissioners. With a duality at the top, a considerable time of both, it appears, is spent on long-drawn-out tours from Chanda and Gondia at one end, to Parbhani and Nanded at the other and Kolhapur and Sangli at the third. An argument urged in discussion by the Additional Commissioner who was then also in charge of the duties of the Commissioner was that the post would be required as a promotion post for Deputy Commissioners. I am not convinced by this argument. The cadre of Deputy Commissioner is a sufficiently senior cadre. Those who look forward for promotion from that cadre can look for their prospects in the senior [illegible] of the Indian Administrative Service where a few vacancies are reserved for promotion of State Government Officers of the [illegible]. Besides, if the Sales Tax Tribunal continues as at present, they could also look forward to elevation to the Bench of the Sales Tax Tribunal. I recommend that the post of Additional Commissioner of Sales Tax should be [illegible].

* [illegible]

Toning up the Administration

26.20. In the past, at the Assistant Commissioner level, a few conscientious and efficient Deputy Collectors were drafted on deputation. At the Deputy Commissioner level also, there were a sufficient number of efficient I.A.S. Officers of the senior time-scale. The presence of these officers in the respective cadres acted like a tonic. It helped to raise the targets and output. When it was found that the disposal given by these officers on deputation was consistently large, much above that which the Departmental Officers had previously given, the Departmental Officers could not resist the targets being raised upwards. The fact that their efficiency would be judged by the extent to which they would achieve these higher targets acted as an incentive to them to give of their best. It is thus that the disposals and targets for Assistant Commissioner (Appeals) were raised from 25-40 to 120. Unfortunately, the number of officers drafted on deputation has considerably fallen in recent years. Today, there is no officer of the cadre of Deputy Collectors on deputation. Nor is there a junior time-scale officer of the Indian Administrative Service posted as Assistant Commissioner in the Department though one such post was encadred in the Indian Administrative Service Cadre in the past. It is not possible without a detailed examination of the work of several officers, and in any case it may be too early, to say whether the discontinuance of this system has resulted in a decline in the quality of work. The fact remains that the competitive element introduced by the officers on deputation is no longer available. To that extent, the officers have only to give disposals which compare favourably with those of their own departmental colleagues. Besides, the Sales Tax Department is today the major revenue earning department. It has replaced land revenue in that capacity long ago and the sales tax revenue is several times the land revenue. It is essential that a sufficient number of senior Administrators of Government should be conversant with the Sales Tax Administration and its problems. For this purpose, and in order also that the Department may be kept on its toes, I recommend that at least 50 per cent. of the posts of Deputy Commissioners of Sales Tax should be filled from amongst efficient I.A.S. Officers in the senior time-scale and 3 or 4 posts of Assistant Commissioners should invariably be filled from amongst selected Deputy Collectors of proved efficiency or I.A.S. Officers in the junior time-scale.

The Case for Merit

26.21. An objective standard for judging the merit of serving officials for the purposes of promotion is provided by the system of

Departmental Examinations. Under the rules prescribed in Government Resolution, Finance Department, No. 4528/33, dated the 8th January 1953, every person appointed to the non-gazetted executive service in the Sales Tax Department was required to undergo a prescribed course of training and to appear for the examinations prescribed. There was a separate examination for senior and junior clerks on the one hand and for Inspectors and other higher clerical posts on the other. The rules provided for the termination of the service of a person who failed to pass the examination within the number of chances available or allowed under the rules. They also provided further that no non-gazetted Government servant shall be promoted to a gazetted post until he has appeared for and passed the appropriate full Departmental test. In Government Resolution, Finance Department, No. SDE. 1160/0762/61-XIII-A, dated the 15th June 1963, Government sanctioned fresh rules and syllabus pertaining to the Departmental Examination for the clerical staff and the Departmental Examination for the Sales Tax Inspectors and higher clerical staff in supersession of all previous orders on the subject.

26.22. In Government Resolution, Finance Department, No. SDE. 1159/301-E-V/578/59, dated the 9th March 1959, Government had promulgated the rules and syllabus for the Departmental Examination of the Sales Tax Officers of the Sales Tax Department. Under these rules, a Probationer appointed by nomination to the post of Sales Tax Officer Grade II or Grade III was required to pass the examination within the period of his probation. On his failure to do so, Government could, at its discretion, dispense with his services or deal with him in such manner as it deemed fit. A person already promoted to the post of Sales Tax Officer Grade III from the category of Sales Tax Inspector before the rules came into effect was required to pass the examination within two years of promotion or at the first such examination held after the issue of the rules. The rules further provided that "the candidate will not be confirmed or allowed to draw increment until he passes the examination or is exempted from passing it. In the event of failure to pass the examination in the prescribed time, Government may, at its discretion, revert the candidate or deal with him in such manner as it deems fit." These rules were promulgated by the Government of the reorganised State of Bombay in supersession of all previous rules, and there was nothing to indicate that a section of the Government servants was not governed by these rules. Apparently, these rules were not initially applied to Sales Tax Officers and Assistant Sales Tax Officers allocated to the Government of Bombay from the former Madhya Pradesh and Hyder-

State areas. The rules were extended to them by Government Memorandum of the 8th August 1960. Government, however, by a Memorandum dated the 21st November 1964, directed that Assistant Sales Tax Officers and Sales Tax Inspectors allocated from the old Madhya Pradesh and Hyderabad States may not be asked to pass the Sales Tax Officers' Examination before being considered for promotion. It was directed that Assistant Sales Tax Inspectors and Sales Tax Inspectors allocated from the old Hyderabad State should be considered eligible for promotion without passing the Sales Tax Officers' Examination if they were otherwise fit for the posts. Such persons, it was stated, would have to pass the Sales Tax Officers' Examination within such period as laid down in their respective Departmental Examination Rules or Recruitment Rules as the case may be.

26.23. The Memorandum further observed as under:

"3. Sales Tax Inspectors from the former Bombay State will not be entitled to the above concession. As this would place them at a disadvantage *vis-a-vis* the allocated Government servants from the former Madhya Pradesh and Hyderabad States, the question whether the provision contained in the Recruitment Rules of the Bombay State, which lays down passing of the Sales Tax Officers' Examination as a pre-condition for promotion as a Sales Tax Officer should be suspended pending unification of the Recruitment Rules is under consideration of Government."

"4. As will be observed from para 2 above, the Recruitment Rules of Sales Tax Officers of the former Bombay State cannot be made applicable to the allocated Government servants. It is, therefore, necessary to make a unified set of Recruitment Rules for recruitment to the posts of officers. At present, the Recruitment Rules of the Sales Tax Officers are under revision with the Commissioner. While framing the new set of Recruitment Rules, provisions contained in the Recruitment Rules of Sales Tax Officers in the former Madhya Pradesh and Hyderabad States may duly be taken into account."

26.24. By a further Memorandum dated the 6th October 1967, Government directed that confirmed personnel from the Prohibition and Excise Department working as Sales Tax Inspectors in the Sales Tax Department should be allowed to appear for the Sales Tax Officers' Examination without passing the Departmental Examination for Sales Tax Inspectors. The Government thereafter framed the Maharashtra (Bombay Area) Sales Tax Officers (Grade II and

Grade III) Recruitment Rules 1969, which were deemed to have come into force on the 28th January 1961. Under these rules, it was no longer necessary for a promoted person to have passed the prescribed Departmental Examination to be eligible for promotion. The earlier rule under which in making appointments by promotion preference was to be given to an Inspector who had passed the Departmental Examination prescribed for Sales Tax Officers over those who had not, was also deleted.

26.25. These various rules and amendments came in for scrutiny by the Constitution Bench of the Bombay High Court on a Writ Petition filed by some of the affected persons. The High Court quashed several of these Orders and the Gradation Lists based thereon. It is not necessary for my purpose to go into the High Court Judgment in detail. But, I may express my respectful concurrence with the statement in the Judgment disputing contentions in affidavits on behalf of Government that the passing of Departmental Examinations was not necessary for the efficient discharge of duties and the further observation that "Departmental Examinations are prescribed in order to see that the officer concerned would have the minimum efficiency. Lack of knowledge of the subjects which includes study of financial rules, procedure, accounts and accounting, law of contract etc., may result in costly errors."

26.26. As in the case of Inspectors for promotion as Sales Tax Officers, 35 per cent. of the posts in the cadre of Inspectors were reserved for promotion of persons from the ministerial cadre who had passed the Departmental Examination prescribed for the Sales Tax Inspectors. Of these, it was provided that 10 per cent. shall be graduates and the remaining graduates or matriculates. In July 1965 Government ordered that the rule requiring that promotion should be of persons from the ministerial cadre who had passed the Departmental Examination prescribed for the Sales Tax Inspectors and that of the 35 per cent. of the promotees, 10 per cent. shall be graduates and the remaining graduates or matriculates was held in abeyance. By a further order in 1968, the proportion of posts reserved in the cadre of Sales Tax Inspectors for promotees was raised from 35 per cent. to 50 per cent. In result, a large number of clerks who may be totally unsuited for the technical work of Inspectors, neither having the academic qualifications for such work nor having acquired the knowledge required for the Departmental Examination standard, have been promoted as Sales Tax Inspectors. The Inspector plays a vital role, albeit under the supervision of the Sales Tax Officer, in the assessment procedure. f the

quality of the cadre is substantially diluted, the effect on the quality of the assessments can well be imagined.

26.27. As an Administrator, I have known of pressures sought to be exerted on grounds of compassion in favour of securing promotion for those who, by the standards of the prescribed examinations, cannot make the grade. Resistance to such pressures may even invite comment that the resistor is heartless. But, to the extent that merit is to govern promotions, it would be heartless to ignore the claims of those who have passed the objective tests prescribed and give promotions at their cost to those who have not. It is not often realised that in these matters of promotion, the question is not one of the largesse of Government, but one of choice between two or more persons for the available post.

26.28. If the consideration of merit is watered down from time to time, a situation may well arise whereby the department or the office concerned is on the way to becoming a panjrapole. If the optimum return is to be obtained for the expenditure on staff, it is necessary that merit should be the prime factor governing appointments and promotion. This principle is of universal application in the field of administration and not merely to the Sales Tax Department.

CHAPTER 27

THE DIRECTORATE OF ACCOUNTS AND TREASURIES

27.1. I propose to deal here with the major problems facing the various offices under the control of the Director of Accounts and Treasuries.

The Pay and Accounts Office, Bombay

27.2. The Pay and Accounts Office, Bombay, carries out the pre-audit, payment and accounting functions relating to the State transactions and payment functions in respect of Central transactions arising in Greater Bombay. It is obvious that with every increase in staff in Government Offices in Greater Bombay, the work of the Pay and Accounts Office would increase, as it would have to cater to the additional staff also. An idea of the increase in work in this office could be had from the fact that the number of bills received in the office increased from 3·17 lakhs in 1964-65 to about 4·14 lakhs during 1967-68. The need to augment the organisation as the load of work increases has, however, been lost sight of and the strength of the Pay and Accounts Office has remained practically stationary since 1965. In result, the position in regard to the maintenance of various broad sheets and registers and the submission of accounts by the Pay and Accounts Office to the Accountant General is far from satisfactory.

27.3. The functions referred to in the preceding paragraph were being performed by the Office of the Accountant General, Bombay before 1955. It would, therefore, be reasonable to assess the staff requirements of the Pay and Accounts Office on the basis of the standard rates of work prescribed by the Comptroller and Auditor General of India for similar items of work previously done in the Accountant General's offices. These rates of work are in terms of number of minutes required for the disposal of each type of bill or other item of work dealt with in the audit offices The Directorate of Accounts and Treasuries has worked out the additional staff

required for the workload handled by the Pay and Accounts Office during 1964-65, on the basis of the standard rates of work prescribed by the Auditor General, as 4 Assistant Pay and Accounts Officers, 12 Superintendents, 3 Assistant Superintendents, 80 Upper Division Clerks, 24 Lower Division Clerks, 1 Comptist, 6 Typists and 7 Peons. As against these additional posts which were justified in 1964-65, only the posts of 1 Assistant Pay and Accounts Officer, 2 Superintendents, 2 Typists and 2 Peons were sanctioned in February 1968. It is evident that the actual requirements of staff of the office on the basis of the current workload would be considerably higher. The entire approach to the staffing of the Pay and Accounts Office requires reorientation; whenever extra staff required to be serviced by the Pay and Accounts Office is sanctioned for other Departments, provision should be made simultaneously to augment the staff of the Pay and Accounts Office in the light of the norms followed by the Auditor General.

27.4. A reference has already been made earlier* to the acute shortage of accommodation for the Pay and Accounts Office. Unless a solution is found for the problem of accommodation, it would not be feasible to sanction the additional staff required. It is, therefore, necessary to tackle this problem on a priority basis, since any drop in the efficiency of the Pay and Accounts Office affects all Government Offices in Bombay City.

27.5. With a view to streamlining the procedures followed in the Pay and Accounts Office, the Director of Accounts and Treasuries has been considering the question of introducing a revised system of payment and accounting in which all the functions from payment to final accounting relating to a particular major head or department will be carried out in one section. The Work Study Unit of the General Administration Department has also recommended this reform. It will, however, be necessary to appoint a special team of officers and staff to work out the details of the proposed system. This may be done as soon as the problems of accommodation and additional staff are solved.

District and Sub-Treasuries

27.6. All the District Treasuries are under the administrative control of the Finance Department through the Director of Accounts and Treasuries. Of the 214 Sub-treasuries, 151 have been brought under the control of the Finance Department and the remaining are proposed to be taken over in stages.

*Paragraph 4.40.

27.7. The workload of the District Treasuries is steadily on the increase. Such increase is inevitable, as the expenditure on the growing developmental activities is incurred by the competent officers concerned by drawing bills on the treasuries. The taking over of the sub-treasuries has also added to the administrative work relating to the staff in the sub-treasuries and technical work regarding supervision over the working of the sub-treasuries. Moreover, certain additional items of work have been entrusted to the treasuries without any additional staff being sanctioned. A Work Study Unit of the General Administration Department which examined the working of the Poona Treasury has stressed the need for additional staff at the Treasury. In spite of all round increase in work, however, no additional staff has been sanctioned for the District Treasuries during the last five or six years. It is recommended that the staff of the District Treasuries be strengthened in consultation with the Director.

27.8. Government has accepted in principle that the system of payment by cheques in vogue in the Pay and Accounts Office, Bombay, should be introduced in all the District Treasuries. The system has so far been introduced in Nagpur and Aurangabad District Treasuries only and could not be extended to other districts for want of space in the treasury premises for the additional section which would have to be opened. It is, therefore, necessary to provide the needed accommodation as well as the staff to enable the cheque system being introduced.

27.9. The need for leave reserves for all cadres has been referred to in Chapter 4. Such reserves are particularly necessary in the treasuries, where work cannot be kept pending but has to be completed by the staff during the working hours or by sitting late at the end of each day. It is, therefore, essential to sanction a leave reserve on the basis recommended elsewhere* for all offices.

27.10. The treasuries are at present responsible for the custody of Postal stamps and Postal stationery in the treasury strong rooms. This arrangement dates from the early years of the Postal system when it was not sufficiently organised and widespread and it was felt necessary to keep the Postal stationery in the treasury strong room. There is no justification for the treasuries continuing to do this work. It appears that this question had been taken up with the Government of India some years ago.

* Paragraph 4 49.

this Government as well as by the Government of Gujarat, but the Central Government was not prepared to accept the transfer. The proposal requires to be pressed again. If the Posts and Telegraphs Department is unwilling or unable to take over the work, a suitable agency charge may be levied for the work done on their behalf to cover the full cost of the establishment, accommodation, etc.

27.11. Another item of work which could be transferred from the treasuries is that of pension payments. The work of pension payments could be entrusted to separate payment offices in important cities and areas where the number of pensioners is substantial. Such pension payment offices exist in other States, e.g., in Andhra Pradesh. The possibility of setting up such offices with adequate staff may be further explored.

27.12. Pensioners living in rural areas, paticularly those in the interior villages, have to undergo considerable inconvenience in having to visit the Sub-Treasury Office for receiving their pensions. It is true that under the existing arrangements pensions upto Rs. 250 per month can be remitted by money order to a pensioner at his cost. The Administrative Reforms Commission has considered this question and recommended that pensions upto Rs. 100 per month may be remitted by money order at Government expense. The Government of India's decision on the recommendation is not known. The recommendation needs to be adopted in this State. I would go somewhat further and recommend that pensions in excess of Rs. 100 and up to Rs. 250 per month may also be paid by money order at the option of the pensioner; in such cases, the money order charges for the first Rs. 100 may be borne by Government and the balance shared equally between Government and the pensioner. Pensions in excess of Rs. 250 may also be remitted similarly at the option of the pensioner; in such cases, money order charges for pension in excess of Rs. 250 may be recovered from the pensioner and those up to Rs. 250 adjusted in the manner suggested for pensioner drawing pension above Rs. 100 and up to Rs. 250. It may also be provided that pensioners may be allowed to produce the prescribed life certificate signed by any two of the following three officials: (i) the Gramsevak, (ii) the Talati, and (iii) the Village School Teacher.

Office of the Chief Auditor, Local Fund Accounts

27.13. The work of the Local Fund Audit Establishment and the Village Panchayat Audit Establishment has also increased during the last few years with the increasing activities and transactions

of the Zilla Parishads and Village Panchayats. The main problem of the Chief Auditor, Local Fund Accounts is, however, the non-availability of recruits of the right calibre for his cadres. It was reported that in 1968 about 22 per cent. of the posts of Junior Auditors in the Local Fund Audit Establishment and about 15 per cent. of the posts of Village Panchayat Sub-Auditors were vacant. A solution suggested by the Director of Accounts and Treasuries is to reduce the number of Junior Auditors and Selection Grade Auditors and to sanction in their place additional posts of Senior Auditors in the Local Audit Fund Establishment. I am afraid I cannot see how the difficulty of recruiting suitable Junior Auditors is solved thereby, though for the time being, with accelerated promotion to some and reduction of posts, the number of vacant posts may fall. A proper solution is to provide for an intensive initial course of training in accounts to recruits without insisting on accounts experience or special accounts qualifications, with suitable incentives for promotion etc. in due course. It is also necessary to strengthen the staff of the Village Panchayat Audit Establishment, as the number of Village Panchayats is growing and the volume of their transactions is also on the increase.

Directorate of Accounts and Treasuries

27.14. The Director of Accounts and Treasuries has observed that there is no uniformity in the procedures of work followed at the Sub-Treasuries taken over from the Revenue Department. It is necessary to take up an early examination of these procedures and to introduce revised procedures wherever necessary. The changes in procedure have to be effected in consultation with the Accountant General and the Reserve Bank of India. The Director considers that the branch to which this work is entrusted is unable to devote the required attention to it. The question of revising outmoded procedures cannot be allowed to suffer neglect by being assigned to overworked Branches. This type of work and that of preparing a suitable Sub-Treasury Manual should be assigned as Special Duty to a selected intelligent and experienced officer who should be given a time limit within which to complete the work. (Incidentally, such work should not also be utilised to provide a berth for re-employment to superannuated officials past their prime). The necessary post with complementary staff should be sanctioned for the limited period in addition to the usual staff.

27.15. The Vigilance Branch of the Directorate acts as a li[illegible] between the Government Departments and Audit and assists [illegible] clearance of pending pension cases and settlement of audit c[illegible]

The work of clearance of audit objections is heavily in arrears. It was also noticed that the large arrears recorded were partly due to repetition of objections which had already been complied with by the Departmental Officers, as it takes time in the Accountant General's Office to link up the compliance reports with the items in the Accountant General's objection books. In 1964 and again in 1967 special squads were set up in the Accountant General's Office for this work, consisting of 2 Assistants from the Vigilance Branch of the Directorate of Accounts and Treasuries and 2 from the Accountant General's Office. These squads cleared about 21,400 items in 4 months in 1964 and about 18,200 items in 3 months in 1967. It would be desirable to set up similar squads in the Pay and Accounts Office, where a large number of audit objections has accumulated. This would need a few additional posts for the Pay and Accounts Office as well as for the Vigilance Branch.

27.16. The Stores Verification Branch of the Directorate as well as similar branches in the regional offices of the Directorate at Poona and Nagpur carry out an independent check of the stock and stores in the various Departments, though the Departmental Officers are not absolved of their own responsibility to carry out such checks once in six months or a year as may be prescribed by the Departmental rules. The Administrative Reorganisation Committee has recommended that greater attention should be devoted to the verification and accounting of stores and that it is necessary to make the Stores Verification Unit in the Finance Department function more effectively by drawing up a regular programme for its work. In pursuance of this recommendation, Government has recently strengthened the Stores Verification Unit by sanctioning additional staff consisting of a Stores Verification Officer, 2 Inspectors of Stores, 3 Assistant Inspectors and 20 Stock Verifiers. A new Circle has also been opened at Nasik, in addition to the existing 3 Circles at Bombay, Poona and Nagpur and their territorial jurisdiction re-divided. Stores have also been reclassified into 3 classes, A, B and C and the frequency of inspections of the stores in each class has been laid down. The Stores Verification Officer in each Circle has also been placed under the technical control of the Deputy Director of Accounts and Treasuries (Stores Verification) at Bombay.

27.17. Apart from physical verification of the stores, it is desirable that a qualitative examination of stores management is also carried out by the Stores Verification Wing. There have been instances of stores being stock-piled far in excess of the requirements, indicating a lack of proper inventory control on the part of

officers concerned. The Deputy Director (Stores Verification) should study the extent of inventory control exercised by the various officers responsible for stores and lay down suitable guidelines in this behalf as also in regard to stores management generally. This kind of work does not appear to have been done by the Stores Verification Wing so far.

27.18. One of the difficulties reported by the Directorate of Accounts and Treasuries relates to the task of [illegible] tion to Audit by the Directorate of the [illegible] September 1952 under the detailed heads [illegible] to the Minor Head, "D-Advances to cultivators" and "F-[illegible] advances". The accounts of these have [illegible] years. In respect of a number of schemes [illegible] properly maintained and no systematic efforts [illegible] out reconciliation, with the result that [illegible] carried forward from year to year. The [illegible] a number of Controlling Officers have [illegible] balances and that the work is not [illegible] should have.

27.19. Similar difficulties in the maintenance [illegible] to maintain initial accounts properly and [illegible] etc. have come to light in other Departments [illegible] sanction adequate staff in the first [illegible] adequately trained accounts staff are [illegible] affairs. With regard to the first [illegible] concerned with proposals and sanctions for [illegible] to avoid being [illegible] sanctioning essential accounts staff [illegible] expenditure of many [illegible] paucity of trained staff [illegible] provision for [illegible] service training for staff [illegible] the Directorate [illegible] 4 Divisional Headquarters [illegible] the various Departments [illegible]

27.20. Two other questions [illegible] Government [illegible] ment that [illegible] Government [illegible] City all [illegible] Head Office of the [illegible] ments relating [illegible]

Institute, etc., which are handled at the Bombay Central Branch of the Reserve Bank. As a result, members of the public as well as Government Offices are put to considerable inconvenience. For example, Government cash collected on the counters of the Aarey Milk Colony is required to be carried all the way to the Reserve Bank of India office for being credited to Government account. Claims have been made that there has been considerable development of banking in India in recent years, but there would be no point in such development if the large number of people who have transactions with Government in Bombay City or in Nagpur have to undergo inconvenience and expense as at present owing to the work being concentrated in one office only.

27.21. In the districts, the cash work of Government relating to receipts and payments has been entrusted to the State Bank of India which receives commission at the rate of 1/16th per cent. The State Bank of India acts as an agent of the Reserve Bank at places where there is no branch of the Reserve Bank and does the work for Government.

27.22. It is, therefore, necessary that either the Reserve Bank of India should open a sufficient number of branches in Greater Bombay for the convenience of the public or alternatively it should allow the State Bank of India or one or more or all of the Nationalised Banks to do the work for Government in Bombay City. The question may be considered further in consultation with the Union Ministry of Finance, Banking Department, and the Reserve Bank of India.

27.23. The other question relates to the pre-audit of salary bills and other bills of Establishment. These bills are prepared by the Departments and submitted to the Treasury in the Districts (except in the case of Forest, Buildings and Communications, and Irrigation and Power Departments) and to the Pay and Accounts Office in Bombay. The pre-audit exercised by these offices could well be exercised by the accounts staff of the Departments. In the Forest Department for instance, the salary bills are audited by a separate pre-audit section and are drawn by the Divisional Forest Officers, who are allowed to operate a Personal Ledger Account. The Forest Officers are required to render accounts to the Accountant General directly. In the Buildings and Communications Department and Irrigation and Power Department, Executive Engineers have drawing accounts with the Treasuries, from which they pay the bills relating to works expenditure directly, though for purposes of salary and other bills of Establishment, the procedure of submitting them to the District Treasuries is followed.

27.24. Frequent complaints are made of delay in the payment of bills of the staff. There are instances in which travelling allowance bills, bills for incremental arrears, arrears of pay, etc. have remained in arrears for months together. Decentralisation of this work would obviate such complaints. The Departmental Officers could render accounts to the Accountant General direct. Such a procedure may require necessary changes in the existing Treasury Rules and procedures to which the concurrence of Audit may also be necessary.

CHAPTER 28

THE BUREAU OF ECONOMICS AND STATISTICS

28.1. The Bureau of Economics and Statistics, which is the principal statistical agency of the State, has a three-tier organisation. At the State level, there is the Headquarters organisation headed by the Director; at the Regional level there is a Regional Office headed by a Deputy Director at each of the four divisional headquarters; and at the District level there is a District Statistical Office under a District Statistical Officer in each district except Greater Bombay.

28.2. Since 1st May 1960, the Bureau was strengthened on as many as seventeen occasions having regard to the growth in its functions and workload. The following table gives an idea of the relative expansion of different offices and cadres:

Office	Gazetted		Class-III	
	1-5-1960	1-8-1968	1-5-1960	1-8-1968
1	2	3	4	5
Headquarters ..	13	29	208	260
Regional Office, Nagpur ..	1	3*	34	48
Regional Offices, Bombay, Poona and Aurangabad.	..	7	....	158
District Offices ..	25	25	61	111
Total ..	39	64	303	577

Office	Class-IV		Total		% Increase
	1-5-1960	1-8-1968	1-5-1960	1-8-1968	
1	6	7	8	9	10
Headquarters ..	31	37	252	326	29·3 %
Regional Office, Nagpur ..	4	5	39	56	43·6 %
Regional Offices, Bombay, Poona and Aurangabad.	..	11	....	176	....
District Offices ..	60	60	146	196	34·2 %
Total ..	95	113	437	754	72·5 %

(* Of the 3, 1 post has since been abolished.)

The establishment of Regional Offices at Bombay, Poona and Aurangabad accounts for about 56 per cent (176) of the 317 posts created during this period. (These offices were established in 1962 with a total strength of 33 posts.)

28.3. A Work Study of the Bureau including its Regional Office at Poona was carried out in 1968 by a Work Study Team of the General Administration Department. The report of the Team is exhaustive and has been prepared by it after a detailed examination of the working of the different sections in the Bureau. Since the report is a recent one, it has been taken as a basis for reviewing the organisation of the Bureau. It has been supplemented by a quick time and motion study for assessing the optimum staff required for the different sections of the headquarters organisation.

28.4. The implementation of the recommendations of the Work Study Team regarding procedures will go a long way in streamlining the work of the Bureau. As regards staff, after examining the findings of the Work Study Team and the time and motion study referred to, I would make the following recommendations.

Headquarters Organisation

28.5. *Agricultural Economics Section.*—The Work Study Team has suggested that it may be considered whether the Bureau of Economics and Statistics should have a Deputy Director for attending to the work which would normally fall within the purview of the Agriculture Department. The main argument advanced in support of the suggestion is that there is a fully staffed Agricultural Economics Section in the Department of Agriculture itself. The other points made by the Study Team are :

(i) that the Deputy Director in the Bureau has not been able to do the work he was expected to do ; and

(ii) that much of the data on the basis of which the Bureau prepared the Report similar to the Government of India's "Economic Survey of Indian Agriculture" came mainly from the Agriculture Department.

I am satisfied that it is not necessary to have a Deputy Director in the Bureau for attending to Agricultural Economics.

28.6. *Publication Section.*—As the work in this Section will be reduced to some extent after the completion of the work of Government Servants' Census, two posts of Research Assistants would be sufficient as against three recommended by the Work Study Team. In case the Bureau is required to bring out [illegible]

Marathi also, the question of sanctioning additional staff may have to be examined on merits. The Study Team's suggestion that the Village Panchayat Section should be merged with the Publication Section has no particular advantage ; the purpose could be served if the Research Officer in charge of the Publication Section is also entrusted with the work of supervision over the Village Panchayat Section.

28.7. *Library.*—The Study Team's suggestion for posting a Junior Technical Assistant in place of the existing post of Junior Clerk may create recruitment problems for the post. The existing set-up should continue with the addition of a post of Daftary.

28.8. *Tabulation and Punching Section.*—The Study Team's recommendation that instead of posting Research Assistants and Statistical Assistants to operate the machines, non-statistical personnel trained by firms like the International Computers Ltd. may be recruited, though economical, may not be practical. It may create recruitment difficulties, especially in view of the keen demand for such personnel in the private sector. The present strength of the section should, however, be reduced by abolishing one post of Research Assistant.

28.9. *Other Sections.*—The staffing patterns suggested by the Work Study Team for some sections need to be modified. These modifications as also those discussed earlier have been brought out in Annexure 22.

28.10. The Bureau has a post of steno-typist besides 8 posts of stenographers and 53 clerk-typists. The isolated post of steno-typist is not necessary and should be abolished.

Regional Organisation

28.11. The Bureau has 5 Statistical Assistants and 5 Investigators borne on its cadre but attached to the Collectors' offices in the Aurangabad Division exclusively for the work relating to the preparation of Season and Crop Reports. In all other Divisions this work is done by the District Inspector of Land Records. There is no special reason why the Aurangabad Division should not fall in line with other Divisions. These posts should, therefore, be abolished.

District Statistical Offices

28.12. The main functions of the District Statistical Office are to collect various types of data, to compile certain reports and to conduct surveys. The field staff of these offices is negligible and

most of the material is collected by the field staff of the Zilla Parishads and the Revenue Administration such as Gramsevaks, Primary School Teachers, Talatis, etc. Information about development programmes of the State sector is obtained from the concerned departments.

28.13. In the chapter on District Level Administration—Zilla Parishad, I have recommended* that the Planning Branch of the Zilla Parishad should be placed under the District Statistical Officer who would function under the Deputy Chief Executive Officer. With the transfer of all extension programmes to the Zilla Parishads as recommended elsewhere, the District Statistical Officers could function more effectively in their work relating to development activities if they work as Officers of the Zilla Parishad. As regards the State sector activities, Government can rely on the statistical agencies of the departments concerned. Moreover, whenever necessary, the services of the District Statistical Officers could be requisitioned under section 261 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961. The transfer of these officers to the Zilla Parishads would not, therefore, put Government to any inconvenience.

* Paragraph 11.8.

ANNEXURE 22

(*Vide* paragraph 28.9)

Modifications recommended in the staffing pattern suggested by the Work Study Team

Serial No.	Section	Modification recommended
1	2	3
1	Publication Section	One post of Research Assistant should be reduced.
2	Library	(*i*) One post of Research Assistant should be added; (*ii*) The post of Junior Technical Assistant should be replaced by that of a junior clerk.
3	Tabulation and Punching ..	(*i*) One post of Research Assistant should be reduced; (*ii*) The posts of Statistical Assistants should continue; (*iii*) It is not necessary to create a post of junior supervisor.
4	Public Finance Section	One post of Research Assistant should be added.
5	Economic and Miscellaneous Statistics Section	One post of Research Assistant and two posts of Statistical Assistants should be reduced.
6	Sales Tax Section	One post of Research Assistant should be reduced.
7	National Sample Survey Section ..	Two posts of Statistical Assistants and one post of Inspector should be added.
8	All-India Survey of Industries (including Industrial Statistics) Section	One post of Statistical Assistant should be reduced.
9	Staff for *ad-hoc* work	One post each of Research Assistant, Statistical Assistant and junior clerk should be reduced.

CHAPTER 29

THE DIRECTORATE OF SMALL SAVINGS

29.1. The Small Savings Organisation of the State Government is headed by a Director of Small Savings whose office is located in the Finance Department of the Sachivalaya. He is assisted by a Joint Director of Small Savings and a Publicity Officer in his headquarters work and by a Senior Deputy Director, Development Officer and an Education Officer in the implementation of the small savings scheme in Greater Bombay. Part of his office staff is borne on the Secretariat ministerial cadres of the Finance Department. A Secretary to Government in another Department also functions as *ex-officio* Commissioner, Small Savings.

29.2. The basic pattern of staff at the district level is one Assistant Director of Small Savings in the Tahsildar's grade, one clerk and one peon in each district. In a few districts where the Small Savings work was considered to be heavy, additional posts of Aval Karkuns and Supervisors have been sanctioned, the total number of such posts being 14 and 8 respectively. At the Divisional level, there is a Deputy Director of Small Savings (in the Deputy Collector's grade), an Aval Karkun, a Clerk-cum-typist, a Driver and 2 Peons in the office of each Divisional Commissioner. An additional post of Senior Deputy Director of Small Savings has also been created in Poona Division in view of the large volume of work in that Division.

29.3. Half the expenditure on the Small Savings organisation of the State Government is reimbursed by the Government of India. Two-thirds of the amount collected in Small Savings in the State is given to the State by the Government of India as a loan.

29.4. On a review of the district Small Sa[illegible] C[illegible]on, it is noticed that the allocation of the additio[illegible] [illegible]ns and Supervisors bears no relation to [illegible]

collections in the various districts. For example, Nasik and Jalgaon districts have done quite well without the extra staff, while the performance of Bhir, Akola and Amravati districts is poor despite the additional post of Aval Karkun sanctioned for each of these districts. It is desirable that, as far as possible, extra staff is sanctioned only for those districts where the net Small Savings collections are high. Secondly, there is no reason to maintain two separate cadres of Supervisors and Aval Karkuns, both on an identical scale of pay. Aval Karkuns of the Revenue Department are accustomed to supervise and do field work as well as table work; it should be possible for the same person to do the field work as well as to attend to the office work, which in any case would be small in volume. The posts of Supervisors and Aval Karkuns should, therefore, be merged into a single cadre of Supervisors only. Districts in which the annual net Small Savings collections exceed Rs. 60 lakhs may be given 2 Supervisors each, and those in which the collections are between Rs. 30 and Rs. 60 lakhs may be given one Supervisor each. For districts in which the net annual collections are less than Rs. 30 lakhs, the basic staff consisting of an Assistant Director, a clerk and a peon should suffice. On this basis, only 12 posts of Supervisors would be justified, as against the existing 22 posts of Supervisors/Aval Karkuns. The 10 surplus posts may, therefore, be reduced.

29.5. The net Small Savings collections in Poona Division in 1968-69 were Rs. 234·51 lakhs, which were more or less of the same order as the collections of Bombay Division excluding Greater Bombay, viz., Rs. 230·24 lakhs. There is, therefore, no reason to have a Senior Deputy Director of Small Savings in addition to the post of Deputy Director of Small Savings in Poona Division. The post of Senior Deputy Director in that Division may be abolished.

29.6. On a scrutiny of the staff at the headquarters of the Directorate, it is noticed that the post of Statistical Assistant and 2 out of the 4 posts of Packers (sanctioned for packing the publicity material for despatch to various centres) are surplus to the requirements of the Directorate. These posts may be abolished.

29.7. There is also a parallel organisation of the Central Government functioning in the State, consisting of a Regional Director, National Savings and the Deputy Regional Director, National Savings, at Bombay, Assistant Regional Directors in Greater Bombay and some other areas, City Organiser for Greater Bombay and District Organisers for mofussil areas. There is evidently duplication of effort in the working of the Small Savings Scheme.

29.8. A reappraisal of the Small Savings movement is also necessary in the light of several recent developments. The Life Insurance Corporation of India is going all out to tap the savings of the rural masses by offering attractive Insurance policies to the farmers. The bigger banks which have been nationalised have also acquired a rural orientation and are trying to mop up rural savings. Recently Co-operative Banks and Institutions have expressed the fear that the rural savings which ordinarily would have flowed to them and have been utilised for the development of co-operative activities are being taken over by the bigger banks and the Small Savings movement. It is, therefore, necessary for Government to consider whether the small savings scheme should at all be continued.

29.9. If the scheme is to be continued, it should be further decided whether it should be run by the Central Organisation, which functions through Post Offices, or by the State Government organisation which functions through the officials of the Revenue Department so that there is no duplication of effort. In case it is decided that the scheme should be entrusted entirely to the State organisation, the supervisory work should be entrusted to the Divisional Commissioners, since the field organisation consists of revenue officials. The work at the Secretariat level could appropriately be handled by the Revenue Department, which is concerned with revenue and resource mobilisation. The Department could manage the work with the help of a Branch. The existing Small Savings Directorate in the Finance Department would no longer be necessary and could then be abolished.

CHAPTER 30

THE JAIL DEPARTMENT

30.1. It would be useful to begin with a few general considerations relating to Jail administration, before taking up the organisation of the Jail Department. In the past, i.e., before Independence and for some time thereafter, the Jail Department employees enjoyed more or less a position of parity with those of the Police Department in the matter of emoluments and amenities. The revised pay scale introduced in January 1948 was identical (Rs. 35—½—40) for both Jail Guards and Police Constables and the pay scales of Jamadars and Junior Subedars in the Jail Department were even better than those of Police Head Constables. In subsequent years presumably because of various law and order problems in the wake of the increasing number of political agitations, protest demonstrations, etc., the Police have claimed increasingly greater attention of the Government than the Jail employees and have been given higher emoluments. Nevertheless the conditions of work of the Jail employees continue to remain as exacting as in the past and, on occasion, are even more so. The span of duty of Jail Guards is 14 hours a day including rest periods, though the actual duty periods during this span may not exceed 8 hours. They are not given weekly holidays; they get only about ten holidays in a year in all. This is due to shortage of guarding staff and the lack of provision in the sanctioned strength for weekly holidays and for a leave reserve.

30.2. The Jail Department is regarded as one of the non-Development Departments. This, in my view, is clearly a mistake, as one of the main objectives of the Department is reform of the prisoner and his rehabilitation so that, after his term is over, he may be enabled to live the life of a useful citizen. With this end in view, the Jail Department has adopted programmes of general education as well as training in arts and crafts for prisoners. These are development activities akin to social education. The Jail Department has, therefore, a legitimate claim to be treated as a Development Department.

30.3. The proper employment of prisoners is thus a major concern of the Department. At present the law allows prisoners sentenced to simple imprisonment to remain idle. In some respects this enforced idleness is a harsher punishment than that of rigorous imprisonment. The Department, however, is at present unable to provide adequate employment even to those convicted to rigorous imprisonment, as the organisation of jail industries (which is referred to later) leaves much to be desired. In some respects, the Jails provide an excellent opportunity for organising labour intensive industries, as labour under controlled conditions is ready at hand to be put to many useful purposes. It also stands to reason that every person should earn his keep If anti-social persons are sent to prison for anti-social crimes, why must the State subsidise them during the period of imprisonment by allowing them to remain in idleness? It is, therefore, necessary to reorganise the present prison system as well as to secure that, except for those who are unable to work owing to age or physical infirmity, every prisoner should do enough work to earn his keep. There may be a case to extend this principle to under-trial prisoners also. Perhaps the principle could be extended to them at a later stage.

30.4. It would be useful to refer to the observations of Stuart and Roma Gelder, two British journalists who visited China in recent years, on prison administration in Communist China. While we are not concerned with the ideology of the Communist Government in China, the following excerpts relating to the Peking Gaol from their book entitled "Memories for a Chinese Grand-Daughter" may prove helpful in shaping the policies of the Jail Administration in the future:

"This prison is a modern factory equipped with the latest machinery for producing 18,000 pairs of good-quality nylon socks and six tons of plastic shoes and sandals every day.

'It should be unthinkable', said the senior warden, Mr. Hsing Chung-ho, 'for us to punish law breakers by giving them useless jobs to do'.

Presumably it would also offend the Chinese sense of frugality to give them unprofitable ones as well.

Mr. Hsing continued, 'our prisoners can only be prepared to return to society by learning to be useful and self-respecting. So we try to reproduce outside conditions inside the G '

... ...

"'We think it no use treating people as inferiors when they are here and expecting them to live outside like decent human beings when they are released. By the time they leave their rehabilitation should be complete or we have failed in our job'".

... ...

"'I understand' said the warden, 'that in some countries it is part of prisoners' punishment to deprive them of amenities which they could enjoy outside. We don't take this view because we don't think of a prison sentence as a form of punishment but as a period of reform. The punishment suffered by loss of liberty is enough'".

... ...

"'In the old days', said Mr. Hsing, 'apart from unpleasant conditions including bad food, boredom was perhaps the worst part of prison life. Now every one works eight hours a day, six days a week as everywhere else in China.'"

30.5. It may also not be out of place to refer to the system of classification of prisoners. Prisoners given Class I are given a number of privileges including supply of soap, a cot, bedding, frequent change of linen and clothes, a better scale of clothing and diet and also a right to supplement their diet. Classification is done on the basis of the status of the prisoner outside the prison and as a result the racketeers, blackmarketeers, smugglers and the worst type of organized criminals who cause untold harm to society and whose victims can be numbered in thousands, come to be treated much better in prison than a petty thief or a person committed for assault, whose depredations have been on much smaller scale; and who has probably been guilty only of a momentary aberration, and whose victims can be counted on the fingers of one's hand. It is rather surprising that this citadel of privilege has not yet come under attack from the big guns of those working for an egalitarian society. This is probably because it is well hidden from public eye by the high walls of the prison. In any case, whether imprisonment is regarded as a punishment or an attempt at reform, it is obvious that there can be no justification for this type of classification. Classification within the prison should only depend on the type of the criminal and the treatment needed for his reform rather than on the economic and social status which the criminal has acquired often as a result of his criminal career. It is often this type of affluent criminal who is least susceptible to reform and who is likely to utilise his privileged status to corrupt the subordinate staff and to recruit members for his organisation from the other criminals. It is in his

case that the confinement in prison needs to be made forbidding enough to be at least a partial deterrent. I, therefore, recommend that the present system of classification and differential treatment be done away with and replaced by a system based on the effect sought to be achieved by imprisonment within the four walls rather than on the (tainted) wealth flaunted by the prisoner outside these walls. All convicted prisoners within the prison need to be treated alike regard being had only to age, physical condition, type of crime committed and the corrective treatment needed. Special privileges like cots, special diet, etc. may be reserved only for those who may need them on medical grounds.

30.6. Certain other pressing problems of the Jail Department may now be considered. A major problem is that of over-crowding in prisons. As it is, many of the Jails have a daily population in excess of their authorised accommodation. The sudden influx of persons arrested and to be produced before the Magistrate and their maintenance as under-trials creates problems. It has been the experience that in dealing with mass civil disobedience campaigns, large scale arrests are made far in excess of the accommodation available for the detention of the number arrested. There have been instances where whole families including women and children were arrested along with the main house-holder and the prison officials had to find accommodation for all of them, as also to arrange for their feeding, including milk for the babies. Another cause of over-crowding in prisons is the sentences passed on persons for short periods for offences of a petty nature such as travelling without tickets in a suburban train. These persons are sentenced to five to seven days in prison in lieu of fine if they cannot pay the fine and rushed to the nearest jail. Their stay in jail is too short either to act as a deterrent punishment or to have a reformatory effect. It embitters the persons concerned and inconveniences the prison administration. It is doubtful if the State derives any advantage from this type of imprisonment.

30.7. It is, therefore, suggested that the following steps may be taken to mitigate the problem of over-crowding in prisons:

(1) In making arrests, a selective approach should be made so as to limit the number of arrested people to the accommodation available.

(2) Those convicted of minor offences need not be sent [illegible] l. The practice of awarding suspended sentences [illegible] is [illegible] in many Western countries could well be [illegible]

(3) Recently the Work Centre System has been started in the United Kingdom, under which persons convicted are required to put in a stated amount of work without having to lose their liberty. The system may be adopted here.

(4) A system of premature release on parole with supervision by Probation Officers also needs to be evolved and resorted to in a larger number of cases. Adequate number of Probation Officers need to be appointed and this work brought under the control of the Prisons Department.

Some of the aforesaid proposals may require amendment of the law.

30.8. The transport of the under-trials to and from the courts poses several problems for the prison authorities. The transport of under-trials is made in police vans. The Superintendents of Prisons, who receive the production warrants from Magistrates, are responsible for production of the under-trials, but this responsibility ceases after they hand over the under-trials to the police escorts. The number of under-trial prisoners is going up in prisons in Bombay and Thana. When the police have other pressing duties, they find it difficult to send the police escorts and police vehicles. There are, therefore, delays in taking the under-trials to and from the courts, especially where there are a number of courts to be served as in Bombay.

30.9. In some of the courts there are not enough lock-up rooms, sheds or other accommodation where the prisoners could be confined until they are actually required to be produced before the Magistrates, or where they can be kept after the court work is over and until they can start for the return journey in the evening. Hence the prisoners are kept in many places in the police vehicles. This creates problems of guarding them. The prisoners also find difficulty in answering calls of nature. There are no adequate facilities for easing themselves. It seems generally that a larger number of prisoners is sent for than can be coped with in the course of the day having regard to the other work facing the Magistrates. In result, a considerable number of prisoners who are sent to the courts are not produced before the courts at all and have to remain in the vehicles from morning till evening. The courts give a fresh remand and the prisoners then come back. Further, where there are several courts to be served by the same prison, the police are unable to arrange separate vehicles to take the prisoners to the different courts; prisoners are taken in the same vehicle which makes rounds of the

different courts. Though in the morning not much inconvenience is felt, in the evening by the time the prisoners are collected from the courts and taken back to the prison, it gets very late. The main gate has to be kept open beyond the stipulated hour, namely 6 p.m., and sometimes till late in the night. The security arrangements are thereby affected and there is a possibility of smuggling of contraband. All this results in heavy strain on the staff.

30.10. Having regard to the practical difficulties facing the Police, it would seem to be desirable to transfer these escort duties from the Police to the Jail Department. An adequate number of vehicles may be placed at the disposal of the Jail Department for escort purposes and suitable escort staff sanctioned in that Department with a corresponding reduction in the Police strength. The number of vehicles and the strength of the escort staff sanctioned would bear proportion to the normal demands for this work. There may, however, be heavy peak demands for escort when there is an influx of prisoners in times of unrest or during agitations. At such times the Department may draw upon State Transport vehicles, for which there should be standing arrangements with the State Transport Organisation and should also be given help in escort personnel from the State Reserve Police.

30.11. There should be secure accommodation for the under-trials at each court where they can be discharged and from where they can be collected in the evenings. There should be proper co-ordination between the Magistrates and the prosecuting authorities of the Police to ensure that the courts only call for that number of prisoners which they can reasonably attend to on a particular day so that needless production warrants are not issued resulting in further remands of prisoners and their being sent back without being produced in court. This problem is not as easy of solution as it sounds because statutorily all under-trials are required to be produced before Magistrates at least once in 15 days.

30.12. At present there are Visitors' Committees appointed for each prison on which the Sessions Judge, the Presidency Magistrate or District Magistrate and the Deputy Commissioner of Police or the District Superintendent of Police are represented. In practice, these Visitors' Committees visit the prisons once in three months, take a round and disperse, though individual members of the Committee visit the prisons once a week. It would be desirable that, when the Committee meets once in three months, it

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could be disposed of either by release or by completion of their trial with the maximum speed, and devise ways and means of reducing the under-trial population to a reasonable figure.

30.13. One legal difficulty arising out of the movement of under-trials from a congested prison to a prison where accommodation is available is that prisoners cannot be transferred from one district to another without the sanction of the concerned Magistrate and/or District Judge. It is understood that difficulties have been experienced in obtaining such sanctions. It is, therefore, suggested that the Registrar of the High Court may be moved to have standing instructions of the High Court issued to all Judges and Magistrates to deal with such requisitions for transfers expeditiously and to accept the certificate of the Superintendent of the District Prison regarding congestion in his prison which makes it difficult for him to retain a prisoner in that prison. The District Judges could, in suitable cases, authorise such movement beyond a certain population of under-trials in local prisons. The facts of each case should be reported to them for their concurrence to the movement being effected.

30.14. Owing to limitation of accommodation for convicts, in places where a large number of convicts are received, according to standing policy, the convicts have to be transferred to different prisons according to the length of sentence or type of offence, etc. In maintaining an even flow of such convicts from the receiving centres to their destination, the same kind of difficulty arises as in the case of under-trials. The transfers are made in police vehicles under police escort. These arrangements break down when the police are called up for other duties. In result, if the prisoners are not transferred in time, this results in heavy over-crowding and congestion in the receiving centres with its attendant problems.

30.15. The position becomes very acute when the police, with a law and order problem arising from socio-economic or political agitations, have to round up a large number of law breakers or potential law breakers. In such situations, the entire police force is deployed in the task of rounding up such elements. The persons rounded up are all sent to the nearest receiving centre. But the necessity of arranging for a flow from the receiving centre to the destination centres in such cases is completely overlooked or not met. On the police side, they do not have separate vehicles and separate men earmarked for the purpose. So the very act of rounding up the culprits or potential culprits in such cases creates problems for the Prisons Department.

30.16. Apart from the question of accommodation, when there is a mass influx into the prisons, there is the question of attending to the mass population inside the prison after it is admitted. The normal strength is unable to cope with such work. The Inspector General of Prisons stated that on such occasions, if he is required to recruit extra strength, there may be no difficulty in obtaining proper sanctions but such sanctions remain paper sanctions as these duties cannot be entrusted to raw persons recruited from the Employment Exchange or elsewhere. A suggestion made by him which is worth adopting is that, in such emergencies, he should be allowed to draw upon the Armed Guards of his own Department which are normally entrusted with guarding duties and the guarding duties in such periods should be entrusted to Armed Policemen from the State Reserve Police or from neighbouring districts.

30.17. The broad policy for production for the Prisons Department is that the requirements of other Government Departments should be manufactured in the Prison Factories. Unemployment is one of the pressing problems of the Prisons Department. To ensure that gainful employment is offered to all employable prisoners, all the State Government Departments should be required to place their orders with the Prisons Department so that it may not be necessary for the Prisons Department to procure orders from other sources, i.e., sources other than Government Departments. Government has already issued instructions in this regard. But these instructions should be fully implemented. Some Central Government Departments like the Postal Department also place orders with the Prisons Department.

30.18. The question of reorganising jail industries was gone into by the Jail Industries Reorganisation Committee, which was a Departmental Committee set up by Government. This Committee made several recommendations, many of which have been accepted by Government. The complaint of the Inspector General of Prisons is, however, that in implementing the orders of Government for placing of orders with the Prisons Department, several indenting authorities seek to implement the orders only on paper and not in their proper spirit. Several Departments indicate willingness to place large orders with the Department in the last quarter of the financial year on condition that the Department is able to complete the orders before the end of the financial year. Since the Budget provisions for the requirements are known well in advance, if the indenting department places the orders early enough and spreads out the deliveries, the Prisons Department could cope with the

But several departments seek to place bulk orders with the Prisons Department in the last quarter. The Prisons Department naturally is unable to promise deliveries before the close of the financial year; the indenting departments feel free to make open market purchases. It is suggested that there should be quarterly meetings of the Departments concerned in the Sachivalaya to secure proper co-ordination between the various departments. The Commissioner for Industries and the major indenting departments should also participate in these meetings. The question of the capacity available with the Prisons Department, the requirements of the indenting departments, etc., all could be gone into at these quarterly meetings and firm orders placed by the indenting departments with the Prisons Department.

30.19. As stated earlier, there is considerable scope for the development of jail industries, in view of the favourable conditions that exist such as a controlled labour force. In order to secure such development, it would be desirable to organise jail industries on a commercial basis so that profits can be ploughed back for further development. At present, all receipts are credited to the head "XVIII-Jails" and all expenditure is debited to "22-Jails". This makes it difficult for the schemes to make use of their surpluses directly for expansion. It is also suggested that the contributions to the Prisons Department for the prison labour should be calculated on the basis of the wages paid to similar workers outside.

30.20. The Prisons Department depends for its Medical Officers on the Medical Department. In the past, as a matter of policy, only experienced doctors were being posted to the Prisons Department. This practice is no longer being observed. One practical difficulty arising out of this is that, when new recruits get their first posting to the Prisons Department, quite often they do not join the posting, and this means they do not join the service also. This is a loss not only to the Prisons Department where the vacancy remains unfilled until another appointment is made, but also to the Medical Department. In these days when the Medical Department is having difficulty in securing an adequate number of doctors for its own needs, if the initial postings are so arranged as not to be a disincentive to the new recruits, the Medical Department's own difficulties would be eased. It is, therefore, suggested that, instead of posting new recruits directly to the Prisons Department, the Medical Department may revert to the old practice of posting those who have spent a few years in Government service and who have acquired a stake in continuing to remain in Government service.

30.21. The Prisons Department has undertaken educational activities covering primary education, secondary education and social education. In regard to these activities, the Department, however, stands isolated from the main educational agencies. Education in the Prisons Department should be part and parcel of the educational plan in the district. While the Prisons Department would find the funds required with regard to the number of the prisoners etc., there should be co-ordination between the Zilla Parishad and the Prisons Department in this matter and their staff should be interchangeable. At present, the educational staff in the prisons has different and more unfavourable pay scales and has little chances of promotion. If the responsibility is entrusted to the Zilla Parishads, much better progress in this field could be achieved.

30.22. The Educational activities in the prisons are part-time activities. The prisoners are given education either before or after attending to their full day's prescribed work. Hence the activities resemble those of the Night School rather than of the full-fledged Day School. Co-ordination has to be with the activities of the Night Schools in the District.

30.23. With regard to the agricultural farms, the present co-ordination between the Agriculture Department and the Prisons Department, by and large as it exists today, is based on a personal relationship. It requires to be institutionalised. The Agricultural Development Officers, Block Development Officers and Gramsevaks should be required to look upon the agricultural activities of the Prisons Department as part of the normal extension activities for which they are responsible.

30.24. The Inspector General of Prisons, at my request, set up a Committee under his chairmanship consisting of senior officers of the Department to suggest norms for guarding staff, supervisory executive staff and ministerial staff. The Committee has examined the question of guarding staff in detail and determined the number of duty points in each prison at which guards have to be posted and the strength of the guarding staff required on that basis. The number of duty points depends upon the structure of the prison, the number of enclosures within it and their entry and exit points, other vulnerable points within the prison, type of prisoner held and various other factors. I had detailed discussions with the Inspector General of Prisons regarding the basis on which the Departmental Committee has suggested the staffing pattern for different Prisons. The Ir [illegible]or General of Prisons revised the original [illegible] the [illegible] of these discussions and has furnished a det[illegible]

the duty points fixed for each prison on the basis of a rational assessment of the needs, and the existing and proposed staff. In working out the proposed staff, provision has been made for a weekly holiday. According to these proposals, as against the existing strength of 1,857 Jail Guards (excluding the Byculla District Prison which is under renovation), 2,614 Jail Guards will have to be sanctioned. In addition to this increase of 757 in the guarding strength, a leave reserve of 265 Guards would also be necessary. Considering, however, that the increased Guard Force would also require provision of residential accommodation adjacent to the Jail premises, it may be necessary to have a phased programme for the construction of residential accommodation and sanction of increased strength. Looking, however, to the present precarious position, it is necessary that the phased programme should be taken in hand immediately and should be completed in as short a time as possible, in any case not exceeding three years.

30.25. The increase in the guarding strength proposed is accounted for by two factors, apart from the increase involved in a rational determination of duty points. One of these factors is the inadequacy of the guarding strength in jails in the Vidarbha and Marathwada regions, compared to the staffing pattern obtaining in Western Maharashtra. There were no higher grade posts for the guarding staff in Vidarbha and Marathwada before the States Reorganisation of 1956 and this position has practically continued thereafter, with the result that the guarding staff in the two regions has to be given promotions to higher posts in Western Maharashtra. The Inspector General of Prisons' proposals for increase in the higher posts in the two regions have been met only to a small extent. Since the office procedures followed in the jails in Western Maharashtra have been introduced in the two new regions, it is necessary to sanction the guarding staff in these two regions, including the higher grade posts, on the same basis as in the rest of the State.

30.26. The other factor is the existence of armed police guards drawn from the Police Force who are posted at certain District Prisons. The posting of the police guards involves dual control which creates its own problems. Besides, in regard to under-trials remanded to jail custody, it is understood that the High Court has been repeatedly pressing that the guarding of such under-trials should not be done by the police even at taluka sub-jails. The replacement of armed police guards by armed jail guards may not involve any net increase in recurring expenditure. Expenditure will have, however, to be incurred on residential quarters for the jail guards. Wherever such quarters could be transferred from the Police to the

Jail Department the police guards could be withdrawn and replaced by jail guards. Government have already accepted the principle that armed police guards should be replaced by jail guards in a phased programme (Government Resolution, Home Department, No. 3607/7-C, dated 17th March 1955). The proposals made by the Inspector General of Prisons are in furtherance of the same objective.

30.27. With regard to the Headquarters and Regional set-ups of the Jail Department, there is considerable scope for rationalisation. There is at present over-centralisation of administrative work in the Inspector General of Prisons' office. Though two Regional Offices of the Department, each under a Deputy Inspector General of Prisons, were set up in November 1961, this was done in a half-hearted manner in that the Superintendent, Yeravda Central Prison and the Superintendent, Nagpur Central Prison were declared *ex-officio* Deputy Inspector General of Prisons for the Western Region and Eastern Region respectively. The duties of a Deputy Inspector General of Prisons are of a materially different nature from those of a Superintendent of Central Prison. The former involve inspection of and visits to District Prisons Classes I, II and III and taluka sub-jails (about which more hereafter), while the latter comprises, mainly, executive duties connected with the running of the prison. Added to this unhappy combination of the two offices was the fact that the *ex-officio* Deputy Inspectors General of Prisons were given only a small ministerial staff of four persons each, drawn from the strength of the Inspector General's own office. In result, though the offices of Deputy Inspectors General of Prisons were created with the object of decentralising the work from the Inspector General of Prisons' office, very little decentralisation has actually taken place. For example, work relating to appointments, leave, transfers, pensions, etc., scrutiny and sanction of Travelling Allowance bills of staff in all categories, sanction of advances, scrutiny of detailed contingency bills of Central Prisons, correspondence relating to Canteen, etc. is still dealt with in the Inspector General of Prisons' office. A Work Study Unit of the General Administration Department which had examined the working of the Inspector General of Prisons' office had also made a number of recommendations for effective delegation of powers to the Deputy Inspectors General of Prisons. It is high time that the Department is organised on the basis of the principle of delegation of authority to properly staffed Regional Offices. The Inspector General of Prisons has submitted detailed proposals in this regard in his letter No. ROS-3260/69992-I, dated 28th October 1969 addressed to the Secretary, Home Department, in supersession of the proposals for the additional staff for his office which he had made

earlier in 1964. These proposals involve the setting up of three Regional Offices each under a separate Deputy Inspector General of Prisons, the necessary staff being provided partly by drawing upon the existing posts in the Inspector General of Prisons' office and partly by creation of new posts. It is recommended that these proposals may be sanctioned and implemented on a priority basis.

30.28. The setting up of the Regional Offices is bound to tone up the administration of District Prisons as well as the taluka sub-jails. At present the taluka sub-jails form the weakest link in the Prison Administration. Living conditions in the taluka sub-jails are not up to the mark. Adequate attention to sanitary arrangements is not paid. Equipment such as cots, kambals, durries, chaddars, etc. are not supplied. There is no proper supervision over the diet supplied to prisoners. Drinking water is not available in many sub-jails and has to be fetched from far off places. Quite often the persons who have to be kept in taluka sub-jail are under magisterial orders. There are no adequate facilities for effective segregation and for privacy of women prisoners kept in taluka sub-jails. The supposed lunatics, i.e., non-criminal lunatics, are sent to the taluka sub-jails for observation and adequate care is not taken of them. Under the Lunacy Act, Sub-Divisional Magistrates used to pass statutory orders sending suspected or apprehended lunatics for observation generally to the civil hospitals. It is understood that the accommodation provided in civil hospitals for such persons has now been diverted for stores or for other purposes, with the result that for want of accommodation in the civil hospitals such suspected lunatics etc. are now confined to the taluka sub-jails where the Medical Officers are supposed to observe them. These suspected lunatics do not receive proper observation and attention from the Medical Officers. Medical Officers require them to be produced before them in their hospitals where they are sent. After some examination, they return to the taluka sub-jails, but in the nature of things, where the civil hospital is situated away from the taluka sub-jail, as happens in most cases, it is not at all possible for the Medical Officer to keep the prisoner under constant observation, which is the object of his detention for observation under the Lunacy Act. The number of persons being apprehended at the instance of the public under the Lunacy Act has increased with the result that sometimes there are 5 to 6 such lunatics in a sub-jail. These lunatics are mixed up with the criminals and suspected criminals. I recommend that adequate accommodation earmarked for cases of suspected lunatics under observation should be provided at the hospitals.

30.29. The prison administration at the taluka level is generally attended to by the sub-jail clerk who, in many cases, happens to be an inexperienced person not fully conversant with the Jail Manual and the rules. In result, some prisoners are prematurely released and others are detained beyond their sanctioned period of detention. Inspection of taluka sub-jails is not receiving the attention which it ought to. (There are 178 taluka sub-jails as against 231 talukas). It is recommended that for every sub-jail with a sizeable population, that is, not less than an average population of 20, there should be an Assistant Jailor who would be drawn from the Clerk-*cum*-Executive cadres of the Inspector General of Prisons. The Assistant Jailor would function under the orders of the Tahsildar. In smaller jails, the work will have to be done by a clerk from the Tahsildar's office drawn from the Revenue Department. If the work is left to a clerk from the Revenue establishment working under the Tahsildar, such clerk should be one who has undergone an orientation course with the Inspector General of Prisons. Alternatively it is suggested that a Guarding Havaldar-*cum*-Writer from the Prisons Department may be placed in charge of this work under the control of the Tahsildar.

30.30. Regarding inspections, if the reorganisation of the Prisons Department with three Regional Deputy Inspectors General of Prisons as suggested by the Inspector General of Prisons is accepted, it could be ensured that these sub-jails are audited once a year by an audit party from the Deputy Inspector General's office. Again, there would be similar audit on the Revenue side, *plus* at least one Annual inspection by the Deputy Inspector General.

30.31. The Prant Officers and the Collectors are required to pay inspection visits. Generally these visits are with notice and, therefore, few obvious irregularities come to light. When there are surprise visits, other irregularities are noticed, and where the visits are superficial, irregularities are not noticed. It is necessary to have a compulsory orientation course in jail administration for all Tahsildars and Prant Officers. The course may be of two weeks. The curriculum should be prescribed by the Inspector General. The courses could be organised at the four Central Prisons Training Schools at Nasik, Ahmednagar, Aurangabad and Yeravda. There should also be an orientation course in jail administration for Collectors.

30.32. At present only a part of the correcti... to offenders is being dealt with by the Prisons ...

earlier in 1964. These proposals involve the setting up of three Regional Offices each under a separate Deputy Inspector General of Prisons, the necessary staff being provided partly by drawing upon the existing posts in the Inspector General of Prisons' office and partly by creation of new posts. It is recommended that these proposals may be sanctioned and implemented on a priority basis.

30.28. The setting up of the Regional Offices is bound to tone up the administration of District Prisons as well as the taluka sub-jails. At present the taluka sub-jails form the weakest link in the Prison Administration. Living conditions in the taluka sub-jails are not up to the mark. Adequate attention to sanitary arrangements is not paid. Equipment such as cots, kambals, durries, chaddars, etc. are not supplied. There is no proper supervision over the diet supplied to prisoners. Drinking water is not available in many sub-jails and has to be fetched from far off places. Quite often the persons who have to be kept in taluka sub-jail are under magisterial orders. There are no adequate facilities for effective segregation and for privacy of women prisoners kept in taluka sub-jails. The supposed lunatics, i.e., non-criminal lunatics, are sent to the taluka sub-jails for observation and adequate care is not taken of them. Under the Lunacy Act, Sub-Divisional Magistrates used to pass statutory orders sending suspected or apprehended lunatics for observation generally to the civil hospitals. It is understood that the accommodation provided in civil hospitals for such persons has now been diverted for stores or for other purposes, with the result that for want of accommodation in the civil hospitals such suspected lunatics etc. are now confined to the taluka sub-jails where the Medical Officers are supposed to observe them. These suspected lunatics do not receive proper observation and attention from the Medical Officers. Medical Officers require them to be produced before them in their hospitals where they are sent. After some examination, they return to the taluka sub-jails, but in the nature of things, where the civil hospital is situated away from the taluka sub-jail, as happens in most cases, it is not at all possible for the Medical Officer to keep the prisoner under constant observation, which is the object of his detention for observation under the Lunacy Act. The number of persons being apprehended at the instance of the public under the Lunacy Act has increased with the result that sometimes there are 5 to 6 such lunatics in a sub-jail. These lunatics are mixed up with the criminals and suspected criminals. I recommend that adequate accommodation earmarked for cases of suspected lunatics under observation should be provided at the hospitals.

30.29. The prison administration at the taluka level is generally attended to by the sub-jail clerk who, in many cases, happens to be an inexperienced person not fully conversant with the Jail Manual and the rules. In result, some prisoners are prematurely released and others are detained beyond their sanctioned period of detention. Inspection of taluka sub-jails is not receiving the attention which it ought to. (There are 178 taluka sub-jails as against 231 talukas). It is recommended that for every sub-jail with a sizeable population, that is, not less than an average population of 20, there should be an Assistant Jailor who would be drawn from the Clerk-*cum*-Executive cadres of the Inspector General of Prisons. The Assistant Jailor would function under the orders of the Tahsildar. In smaller jails, the work will have to be done by a clerk from the Tahsildar's office drawn from the Revenue Department. If the work is left to a clerk from the Revenue establishment working under the Tahsildar, such clerk should be one who has undergone an orientation course with the Inspector General of Prisons. Alternatively it is suggested that a Guarding Havaldar-*cum*-Writer from the Prisons Department may be placed in charge of this work under the control of the Tahsildar.

30.30. Regarding inspections, if the reorganisation of the Prisons Department with three Regional Deputy Inspectors General of Prisons as suggested by the Inspector General of Prisons is accepted, it could be ensured that these sub-jails are audited once a year by an audit party from the Deputy Inspector General's office. Again, there would be similar audit on the Revenue side, *plus* at least one Annual inspection by the Deputy Inspector General.

30.31. The Prant Officers and the Collectors are required to pay inspection visits. Generally these visits are with notice and, therefore, few obvious irregularities come to light. When there are surprise visits, other irregularities are noticed, and where the visits are superficial, irregularities are not noticed. It is necessary to have a compulsory orientation course in jail administration for all Tahsildars and Prant Officers. The course may be of two weeks. The curriculum should be prescribed by the Inspector General. The courses could be organised at the four Central Prisons Training Schools at Nasik, Ahmednagar, Aurangabad and Yeravda. There should also be an orientation course in jail administration for Collectors.

30.32. At present only a part of the correctional work relating to offenders is being dealt with by the Prisons Department. The [illegible]

relating to Probation of Offenders Act and Habitual Offenders Act is being dealt with by the Social Welfare Department. Even the Liaison Officers appointed in Prisons are under the Social Welfare Department. It appears to be desirable to have a rational division of duties between the Department under which the preventive work, namely, that pertaining to children, is dealt with in the Social Welfare Department and the correctional work, namely, that relating to institutional treatment, probation and after care is dealt with in the Prisons Department. The State Advisory Board on Correctional Services of which the present Director of Social Welfare was a member in his capacity as Inspector General of Prisons has also recommended this step. These items of work may, therefore, be transferred to the Inspector General of Prisons who may be redesignated as Inspector General of Prisons and Director, Correctional Services. Such a transfer will also ensure that the officers engaged in probation and those employed in Jails are able to benefit from each other's ideas and experiences. The Probation Officers may be retained as a separate cadre under the Inspector General and may not be mixed up with the institutional staff who form a uniformed cadre under stricter discipline.

CHAPTER 31

THE MOTOR VEHICLES DEPARTMENT

31.1. The efficiency of the Motor Vehicles Department has an important bearing on development, as the demands made on it rise in proportion to the pace of development and of economic activities, road transport being an important catalyst for development in other fields. The regulatory functions which it performs under the Motor Vehicles Act, 1939, such as registration of motor vehicles, grant of permits for the use of passenger and goods vehicles, licensing of drivers, control on construction, equipment and maintenance of motor vehicles, etc. are intended to secure the safety of vehicular transport and any negligence in the performance of these functions would constitute a danger to human life. By virtue of its tax collecting functions under the three Motor Vehicles Tax Acts, it is an important revenue earning Department and any slackness in the discharge of this function would adversely affect the State revenues. Thus, though classed as a non-development Department, its efficient working is vital to development. Moreover, because of its direct day-to-day contacts with the public, any drop in its efficiency or malpractices in its working immediately attract public attention and may earn a bad name for the Administration.

31.2. The number of motor vehicles in the State has been registering a progressive increase year by year. Between 1960 and 1967, the motor vehicles population in the State increased from 1·15 lakhs to 2·18 lakhs. During this period the number of vehicles in Bombay city increased from about 70,000 to about 1,16,000. The following figures of live vehicles as on 31st March of each year would show the progressive increase in the vehicle population :

Year			Total number of vehicles of all kinds
1963	...	...	1·57 lakhs.
1964	...	...	1·67 "
1965	...	...	1·83 "
1966	...	...	1·96 "
1967	...	...	2·18 "

31.3. To cope with the increase in the work of the Department, certain additional staff was sanctioned in 1962 and 1964. Since 1964, however, there has been no increase in the staff of the Department though the number of live vehicles has been on the increase, which has affected the working of the Department. There is considerable leakage of revenue because there is no systematic check on the collection of tax on the due date. It appears that a quarterly review of the registers of motor vehicles is carried out to find out whether the tax has been paid up to date. But, as the existing staff is very inadequate, the review does not cover all the registers. In Bombay, the arrangements for collection of tax paid in cash at the Regional Transport Officer's office are also very inadequate. About 90 per cent. of the tax revenue under the Bombay Motor Vehicles Tax Act, 1958 and the Maharashtra Transport of Goods (Carried by Road) Act, 1962 is collected in cash. The bulk of the payments are made on a quarterly basis. There is a heavy rush for payment at the beginning of each quarter. About 200 clerks are required to be engaged for 20 days for this work, as against only 30 clerks available for it with the Regional Transport Office, Bombay, with the result that clerks have to be withdrawn temporarily from other sections to the detriment of the work of those sections. There is also no system of reminding owners that tax is not paid on the due date or of issuing notices to them in cases of default. Tax may not be paid on a vehicle for more than a year and the matter may come to light only at the time the vehicle is to be sold or transferred. Vehicles registered in other States also ply freely in this State and there is no arrangement for verifying the payment of taxes by the owners of these vehicles.

31.4. The Director of Transport was requested to offer suggestions as to how best the existing deficiencies could be removed and to forward proposals for reorganisation of his Department on the basis of the optimum staff required. The Director and his senior officers have carried out a detailed job analysis and job evaluation of the various jobs done at the regional and sub-regional offices, both executive and clerical. The Director has submitted detailed proposals for the staffing of the various offices on the basis of the job evaluation made, as also suggestions for procedural changes intended to secure efficient working of the Department with due regard to the convenience of the public.

31.5. The Director has assessed the time (in minutes) required for each item of work or operation involved in the different jobs like issue of a licence, renewal of a licence, testing for driver's licence, registration, transfer of ownership, issue of fitness certificate,

etc. and has calculated the staff required for these jobs on basis of a productive time of 300 minutes or 5 hours a day 267 working days in a year excluding Sundays and holidays casual leave (15 days). The calculation of time has been m correct to a minute or sometimes half a minute and the num of employees required has also been calculated in fractions, tho it is rounded to the next higher or lower integer for a job as a wh The productive time of five hours a day is calculated arithmetic as if all the operations were performed mechanically within time allotted for each operation. As, however, the operations performed by human beings and not machines, some time wo necessarily be lost before one job or a component of a job completed and another taken up. On a realistic appraisal production time of five hours a day as calculated would appear be equivalent to the expected working time.

31.6. A Work Study Unit of the General Administration Dep ment which had examined the working of the Regional Transp Office, Bombay had recommended that there should be an autom unit increase in staff for every unit increase in the number vehicles and driving licences, namely, one junior clerk for ev additional 1,000 vehicles, one Inspector and one Assistant Inspec for 2,000 additional transport vehicles, one clerk for additio 1,500 driving licences, and one Inspector for additional 1,000 driv licences, the additions being calculated with reference to average of the previous three years. Though the recommendat was accepted in principle by the Implementation Committee, it not yet been put into effect on the ground of financial stringen The Director of Transport has stated that it has not been possi for him to arrive at a yardstick of additional staff related to increase in vehicle population. He has observed that it should possible to devise such a yardstick after statistical data covering phases of work are collected in course of time. Meanwhile, proposals made by the Director on the basis of job analysis a evaluation may be implemented.

31.7. The Director has also made the following proposals whi are reasonable and worthy of acceptance:

(1) There is intense concentration of workload in the office of the Regional Transport Officer, Bombay, and it is urgently necessary to split up the region into two units, each under a Reg[illegible] Transport Officer, with division of work on the following [illegible]

One unit may deal with registration of [illegible] and collection of Bombay Motor Vehicles T

vehicles, licensing of drivers, issue of authorisations to drive transport vehicles, issue of certificates of fitness to transport vehicles and work of the Regional Transport Authority which regulates the use of transport vehicles and prosecution of cases under the Motor Vehicles Act. The other unit should be entrusted with the registration of transport vehicles, collection of Bombay Motor Vehicles Tax on transport vehicles and collection of Goods Tax and Passenger Tax and prosecution of offences under Tax Acts. R. T. O.-I Bombay (Senior Regional Transport Officer) should be entrusted with the work of the first unit, in addition to supervision over the cash, accounts and audit branches. Public Relations should be entrusted to R. T. O.-I.

(2) The existing sub-regional offices at Amravati, Nasik, and Kolhapur may be upgraded and placed in charge of Regional Transport Officers with an Assistant Regional Transport Officer (Taxation) sanctioned for each, in view of the large vehicular population in the sub-regions.

(3) The Director's office may be strengthened by the creation of the posts of a Joint Director, an Accounts Officer, an Assistant Director of Inspection (in Assistant Regional Transport Officer's grade) and a separate Deputy Director in charge of Enforcement and by upgrading of the Public Relations Officer's post from Assistant Motor Vehicles Inspector to that of Inspector, which should be open to men from the clerical staff who have the necessary qualifications, experience and aptitude for public relations work.

31.8. The Director has suggested the following changes in procedures and other matters:

(1) *Simultaneous posting of record and revival of cardex system.*—At present the posting of the tax payments made at the cash counter in the Registers is not made simultaneously with the payment but is deferred to a later date. In this system the payment forms sometimes get misplaced and the owner gets a default notice in the absence of an entry in the Register; the figures of arrears of tax are also inflated. Simultaneous posting would enable checking of arrears of past periods, if any, and would save considerable labour in correspondence and field action. This would, however, require the revival of the cardex system. This system was given up in the past as cards were liable to be lost and bound registers were considered safer. If, however, proper arrangements are made by provision of cardex cabinets, the requisite furniture and proper enclosures, tax collection would be speedy as well as up to date. The total

expenditure on these and on the requisite alterations to the buildings is estimated at Rs. 5·72 lakhs. The system needs to be adopted in the interest of efficient recovery of tax dues.

(2) *and* (3) *Separation of taxation certificate from registration certificate and pasting of tax receipts on the former.*—The Director proposes to introduce this system in place of the present system of writing up the endorsements on the taxation certificate and of tax tokens. He further proposes to computerise the issue of notices to late payers and defaulters. Both the proposals deserve acceptance.

(4) *Detention of vehicles for non-payment of tax.*—An amendment enabling taxing officers to distrain vehicles in default of tax has been made in the Bombay Motor Vehicles Tax Act, 1958, though Rules under the amended Act are still to be framed. The Rules should be promulgated expeditiously so that the amended provision does not remain on paper. Such powers are stated to have been given to the Motor Vehicles Department Officers in Kerala and Andhra Pradesh.

(5) *Provision for tax payment throughout the year.*—If the tax payments are staggered and spread throughout the year, instead of being concentrated during the first 20 days of the quarter, the workload of the staff would also be more evenly spread and it would be possible to discontinue the practice of appointing temporary staff to cope with the rush during this period. It is understood that the requisite amendment to the Bombay Motor Vehicles Tax Act is under the consideration of Government.

31.9. The Director has pointed out that the expenditure on the staff of the Department in 1968 (about Rs. 50 lakhs) was 2·55 per cent. of the total revenues (Rs. 19·5 crores). He considers that the proposals made by him would increase the percentage to 2·87 (Rs. 71 lakhs expenditure on staff, as against Rs. 24·74 crores estimated total revenue) and that the expense ratio should be considered as satisfactory so long as it remains within 3 per cent. He has, therefore, proposed that so long as the ratio of 3 per cent. is not exceeded, the Secretariat Department (i.e., the Home Department) should have the authority to sanction increases in staff to meet the increase in workload. In a revenue earning department, rigidity in sanctioning additional staff to cope with increased yield may inhibit the growth of revenue. The proposal which will permit a measure of elasticity needs consideration and may be tried for this Department on an experimental basis. If the results are satisfactory, [illegible] extended to other similar Departments.

CHAPTER 32

THE PROHIBITION AND EXCISE DEPARTMENT

32.1. The old Bombay Excise Department was concerned mainly with the collection of revenue through excises levied on intoxicants and the sale of licences for the sale of intoxicants. It also had the monopoly in the manufacture and distribution of country liquor. With the enforcement of total prohibition in 1950, the department was called the "Prohibition and Excise Department". Its revenue collecting function became confined to: (i) the excise revenue on intoxicants permitted to be manufactured or imported for the use of permit-holders, and (ii) permit or licence fees. Over the recent years, the Prohibition and Excise Department has also been required to organise publicity and propaganda for prohibition, while the detection and investigation of offences and the conduct of prosecutions is made the responsibility of the Police Department.

32.2. The work in the Prohibition and Excise Department involves licensing, inspection of excise licences and enforcement of various controls, through the supervision of bonded warehouses, manufactories and neera centres, the management of Government liquor and drugs depots, etc. This work is governed by the following Acts and the rules, regulations and orders made thereunder, which are administered by this Department :

(1) The Bombay Prohibition Act, 1949.

(2) The Bombay Opium Smoking Act, 1936.

(3) The Medicinal and Toilet Preparations (Excise Duties) Act, 1955.

(4) The Spirituous Preparations (Inter-State Trade and Commerce) Control Act, 1955.

(5) The Indian Power Alcohol Act, 1948.

(6) The Dangerous Drugs Act, 1930.

(7) The Bombay Drugs (Control) Act, 1959.

A proposal to bring the two last-named Acts under the jurisdiction of the Commissioner, Food and Drugs Administration, is under the active consideration of Government. If it is accepted, separate staff will be appointed for that work under the Commissioner. The existing staff looking after that work in the Prohibition and Excise Department will then be rendered surplus.

32.3. The erstwhile Bombay Excise Department was headed by a Commissioner and the senior executive posts were designated as Superintendents of Excise in the Class I cadre. Each of these Class I Officers controlled two or more districts. As a result of total prohibition in 1950, with the transfer of detection work to the Police Department and with less emphasis on Excise, successive Commissioners decided after a careful review that only a few important districts should have Class I Superintendents, while the remaining districts should be manned by Class II Superintendents or Class III District Inspectors, depending upon the workload. The set-up of the Department was revised accordingly. During the phased prohibition programme from 1948 to April 1950, the reduction of staff was as much as 46 per cent. After 1950-51, events like the bifurcation of the State in 1960 and Chinese and Pakistani aggressions brought in their wake a further curtailment of staff. More recently, in April 1965, a new set-up was evolved as a result of a detailed study of the Department carried out by a Work Study Team of the General Administration Department.

32.4. The report of the Work Study Team, which had studied the Director's Office, was implemented in April 1965. The size of the office has slightly increased thereafter with the addition of the following posts:

1 Deputy Director.

1 Prohibition Liaison Officer.

4 Asssistant Directors.

1 Accounts Officer.

4 Office Superintendents.

5 Noting Assistants.

2 Stenographers.

3 Class IV servants.

According to the Director, this increase in staff has not kept pace with the increase in the volume of work consequent on the revision of the Prohibition policy. The Director has offered [illegible] which are discussed below.

(1) The post of Chief Accounts Officer in the Director's Office was originally created in 1932 for Treasury and Accounts work. Later, with the reduction in the Treasury work, the Chief Accounts Officer was given some additional work including that relating to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, and the post was re-designated as 'Chief Assessment Officer'. The revenue under the Medicinal and Toilet Preparations Act in Bombay City alone amounts to Rs. 1·24 crores (i.e. about 90 per cent.), whereas in the remaining areas of the State it is about Rs. 15 lakhs. With the appointment of an Additional Superintendent of Prohibition and Excise in Class I for Greater Bombay entirely for the work under the Medicinal and Toilet Preparations Act, the post of Chief Assessment Officer appears redundant. According to the Director, while the latter's work in Bombay City amounts to duplication, the work in the remaining areas of the State is totally inadequate to justify the existence of a separate officer. In fact, the work in the districts can be handled by the Superintendents of Prohibition and Excise and that at the level of the Directorate, by the Deputy Director (Administration). The Director, therefore, feels that the post of Chief Assessment Officer can be surrendered without affecting the efficiency of the Directorate. The surrender of the post is reasonable and I recommend that the post be abolished.

(2) There were 5 posts of Assistant Directors in the Office of the Director in 1968, including the post added that year for the Toddy Scheme. Of these, one post of Assistant Director sanctioned for the work of revision of the Excise Manual has already been discontinued with effect from 1st January 1969, along with the supporting staff of 1 Noting Assistant and 1 Stenographer. Since the remaining posts of Assistant Directors were continued on the basis of the detailed study carried out by the Work Study Team of the General Administration Department and for the recently introduced toddy scheme, they may continue. I agree.

(3) The Office of the Director has a supervisory staff of 4 Class I Officers (including the Prohibition Liaison Officer) and 6 Class II Officers. The non-gazetted staff comprises 9 Office Superintendents, 21 noting hands and 30 servicing clerks (excluding 7 leave reserves), apart from the pool of typists. With Superintendents taken as Supervisory Officers, a strength of as many as 19 Supervisory Officers for 21 noting hands and about 45 other clerks appears to be rather top-heavy. The average monthly receipts of this office in 1960-61 and during 1968 are reported to be 8,580 and 8,452 respectively. The decrease is small and attributable to the streamlining of the work

according to the Work Study Unit's recommendations and also to the discontinuance of various periodical returns. 8,452 receipts per month or roughly 352 receipts per day to be disposed of together by 9 Superintendents and 21 noting hands gives an average disposal of 11.8 receipts per day per person. It is understood that about 60 types of licences and permits are disposed of in this office. It appears to be the practice that for seasonal inflow of work relating to renewal or grant of these permits and licences, additional staff is seasonally appointed for disposing of this work. Excluding this seasonal work, however, it appears that about 10,243 licences/permits are disposed of by the normal staff, which has also to work with the seasonal staff for a period of three months in a year to dispose of the seasonal load of work. Conceding this, it works out to 1,138 licences/permits per month or about 46 per working day. This workload (i.e., of about 46 licences and permits) for a staff of 9 Office Superintendents and 21 Noting Assistants, would not appear to add significantly to the other workload of this office. It, therefore, appears that the *office of the Director is prima facie overstaffed in the matter of* both the supervisory posts and the servicing clerks.

The Director has proposed to reduce the strength of his office by one Superintendent and one clerk, in addition to the Noting Assistant and Stenographer which posts, incidentally, have already been discontinued from 1st September 1969 with the closure of Manuals work. He has, however, proposed to balance this reduction against some additional posts for the office of the Superintendent, Prohibition and Excise, Bombay. According to him, the workload in the Office of the Superintendent has gone up considerably, but the staff looking after the establishment work has remained the same. Besides, a few posts that have been created for the Office of the Superintendent were not permitted by Government to be filled on the grounds of economy. The Director has, therefore, proposed that while surrendering the posts in his own office, additional posts of two Senior Clerks and one Junior Clerk may be created in the office of the Superintendent, Prohibition and Excise, Bombay for use in the Accounts and Establishment Branches. The Director's proposal may be accepted for the present and the additional posts sanctioned for the Superintendent, Prohibition and Excise, Bombay for a year in the first instance, subject to review in the light of norms to be fixed for the Department which will be referred to hereafter.

(4) *Offices in the Districts.*—In his report, the Director has stated that no reduction can be suggested in the staff
in the various district offices. In fact, he feels that

executive and ministerial, at the disposal of the District Superintendent of Prohibition and Excise as well as the Collector for looking after the Prohibition and Excise work is not quite adequate.

Many districts have shown a rise in the number of permits/ licences issued or in the receipts processed in the office. The staff, however, has remained unchanged, which shows that either the figures (of permits, receipts, etc.) are incorrect or the staff is apparently over-worked, unless the staff originally sanctioned was more or less on a liberal scale. A detailed review of the district establishment may be made in the light of the norms recently fixed which are referred to hereafter.

32.5. From the information furnished by the Director, it was apparent that no yardsticks of staff related to workload or norms of workload for different categories of staff have been prescribed or are being followed for the purposes of sanctioning additional staff in respect of the following categories:

(1) The normal executive staff comprising Inspectors, Sub-Inspectors, Petty Officers, Constables, etc.

(2) Ministerial staff.

(3) Staff posted at bonded warehouses and other institutions of which the full cost is recovered from the beneficiaries.

He was, therefore, requested to state what, in his opinion, would be the proper norms for the different categories of staff referred to above, and, in the light of the norms suggested, what changes in the staff would be necessary. The Director has accordingly examined the question and issued two circulars both numbered APT-1268/24074/B-III, dated 18th November 1969, fixing the norms of workload for executive officers in Greater Bombay and in the districts as also norms for ministerial staff in his own office. These norms are set out in Annexure 23. The norms have, however, been fixed on a trial basis for six months subject to review thereafter and their effects would have to be watched for some time before deciding any changes.

32.6. It should normally be possible for the Director to work out the number of executive officers required in each district on the basis of the number of the major licences, minor licences, toddy palm trees, etc., since the workload is expressed in terms of these items. The Director should in fact work out the required strength

in both the categories, viz., executive officers and ministerial staff, in accordance with the norms prescribed by him which have by now been tried for about a year. He should indicate to Government the shortfalls or excesses therein after a comparison with the existing staff. Government may examine the norms suggested by the Director and prescribe the norms with such modification as considered necessary. The requirements of both the executive and the ministerial staff may then be assessed on the basis of the norms and staff adjusted accordingly.

32.7. While reviewing the staff position, the increase in the workload resulting from the following two factors will also have to be taken into account:

(i) Phenomenal expansion in the alcohol-based industries in the State during the last few years, which necessitates a vigilant staff to control and direct both the expansion in industries and the use of alcohol and its products therein.

(ii) Rationalisation of the Prohibition policy by the State Government as a result of which there has been an increase by about 500 % in foreign liquor licences as also a tremendous increase in the number of health permits.

ANNEXURE 23

(*Vide* paragraph 32.5)

I

Norms of workload for Executive Officers of the Prohibition and Excise Department

A—Monthly norms of workload for Executive Officers posted in Greater Bombay

Kind of licence/Palm trees to be inspected	For Inspectors	For Sub-Inspectors	For Petty Officers	For Constables
1	2	3	4	5
(1) Major licences	60	20	Nil	Nil
(2) Minor licences	20	10	Nil	Nil
(3) Licensed and unlicensed Toddy (Palm) Trees.	1000	2000	300	600

B—Monthly norms of workload for Touring Executive Officers posted in all districts other than Greater Bombay.

Kind of licence/Palm Trees to be inspected	For Inspectors	For Sub-Inspectors	For Petty Officers	For Constables
1	2	3	4	5
(1) Major licences	30	15	Nil	Nil
(2) Minor licences	50	10	Nil	Nil
(3) Licensed and unlicensed (Palm) Trees.	2000	2000	500	1000

(Major licences are those for which a licence fee of over Rs. 100 is fixed and minor licences are those for which licence fee fixed is Rs. 100 or less).

II

Daily norms of workload for ministerial staff in the Office of the Director of Prohibition and Excise, Bombay

Designation of Ministerial staff and name of Branch/Section	Number of references, i.e., norms of workload per day
A—Branch.	
Office Superintendent	6
Noting Assistant, A-I Section	8
Noting Assistant, A-II Section	9
Clerk in A-I and A-II Sections	10
B—Branch.	
Office Superintendent	6
Noting Assistants in B-I, B-II, B-III and B-IV Sections ..	6
Clerks in B-I, B-II, B-III and B-IV Sections	10

Designation of Ministerial staff and name of Branch/Section	Number of references, i.e., norms of workload per day
C—Branch.	
Office Superintendent	5
Noting Assistants in C-I and C-II Sections	6
Clerks in C-I and C-II Sections	10
D—Branch.	
Office Superintendent	5
Noting Assistants in D-I, D-II and D-III Sections	6
Clerks in D-I, D-II and D-III Sections	10
E—Branch.	
Office Superintendent	8
Noting Assistant	10
Clerks	12
F—Branch.	
Office Superintendent	6
Noting Assistants in F-I and F-II Sections	8
Clerks in F-I and F-II Sections	10
G—Branch.	
Noting Assistant in G-I Section	6
Clerk in G-I Section	10
Noting Assistant in G-II Section	8
H—Branch.	
Office Superintendent	5
Noting Assistant in H-I Section	6
Clerks in H-I Section	10
J—Branch.	
Office Superintendent	8
Noting Assistant	10
Clerks	12

No norms of workload have been fixed for members of the Ministerial staff ' Secti (Records) who are not Noting Hands and for those entrusted with the bonded manufactories and working directly under the Chief Assessment and Excise, Bombay.

CHAPTER 33

THE EXAMINER OF BOOKS AND PUBLICATIONS

33.1. The Examiner of Books and Publications is a Head of Office functioning under the direct control of the Home Department. His main duties are to scrutinise newspapers and books published in the State and bring to the notice of Government any of their contents which are worthy of Government's attention, to submit to the Ministers concerned resumés of noteworthy articles in languages other than English, to maintain liaison with the Registrar of Newspapers for India and to watch declarations filed by Printers, Publishers and Editors under the Press Act.

33.2. Some of the functions of the Examiner of Books and Publications and of the Directorate of Publicity overlap; for example, scrutiny of the daily newspapers and submission of press cuttings to the Ministers. In his report on the Reorganisation of the Directorate of Publicity, Shri P. G. Salvi has referred to this duplication of work between the Examiner's Office and the Information Officer in the Directorate of Publicity, who also scrutinises newspapers, but has observed that he does not propose to go into the question of attaching the office of the Examiner to the Directorate of Publicity, as it would have to be taken up as a separate issue. On an assessment of the total volume of work dealt with by the Information Officer of the Directorate of Publicity, Shri P. G. Salvi has recommended the abolition of the post. Government has, however, only downgraded the post.

33.3. The functions of the Examiner of Books and Publications are akin to those of the Directorate of Publicity in so far as the study of public opinion as reflected in the Press and in publications is concerned. It is, therefore, desirable that the Office of the Examiner be merged with the Directorate of Publicity. A possible difficulty that may be raised against immediate merger of the Office is the shortage of accommodation in the Directorate of Publicity. Even if

the Examiner's Office for the time being continues to work in the Old Custom House Building, it will be possible to co-ordinate its working with that of the Publicity Department and eliminate areas of duplication if the office is merged with the Directorate. It would also be possible to effect a reduction in the posts sanctioned for house keeping functions in the Examiner's Office, like Establishment and Accounts, though it may be necessary to retain separate typing and despatch sections in the office so long as it continues to be housed in a separate building. If the proposals made elsewhere* for new seating arrangements in the Sachivalaya are accepted, the Directorate of Publicity may have enough room for the staff of the Examiner within the area now occupied by it in the Sachivalaya. I, therefore, recommend that the Examiner's Office be merged with the Directorate of Publicity. The General Administration Department could then effect the requisite reduction in the staff of Translators, Reporters and Supervisors engaged in the overlapping part of the work.

*Paragraph 4.14.

in the field, one at Poona and the other at Nagpur. There are 18 Assistant Commissioners of Labour and 16 Government Labour Officers in Bombay and 9 Assistant Commissioners and 22 Government Labour Officers distributed over other cities in the State. The Department also runs 6 Government Industrial Training Workshops and the Bombay Labour Institute. The latter is a teaching institution offering diploma courses for Labour Welfare Officers. It also runs classes in Trade Unionism and Workers' Education.

34.5. A notable feature of the working of the Labour Department is that, while a number of new enactments in the field of Labour have been added to the statute book in recent years, the volume of work involved in their enforcement and the staff required for the purpose do not seem to have been properly estimated and provided for. The Government Labour Officers' primary duties relate to keeping a watch on the labour situation dealing with individual grievances of workers and settling their disputes by persuasion and attending to strikes and lockouts and other duties under the Bombay Industrial Relations Act, 1946 and the Industrial Disputes Act, 1947. The Government Labour Officers, of whom there is one for two or more districts generally, have also been appointed as Inspectors under the Minimum Wages Act, 1948, Payment of Bonus Act, 1965, Motor Transport Workers Act, 1961, Working Journalists Act, 1955 and Beedi and Cigar Workers Act, 196. They are also responsible for supervision under the Bombay Shop d Establishments Act, 1948 in the areas in which the Act has be applicable. The Department has reported that the existing of Governme Labour Officers is very inadequate to cope k arising the various Acts, and that, as a result, ent of us labour been seriously affe ported have by the Government of the Acts together. The Poona, that there are coming view of the M a circular Industries 1964, Gov Officers establi and provisions 4 units per the Minimum Department would need 25 whereas he has well as for other

Labour, Nagpur has also estimated that he would require 26 Inspectors under the Minimum Wages Act, as against the present 2 whole-time Minimum Wages Inspectors and 5 Government Labour Officers he has for this work.

34.6. The Government Labour Officers have been entrusted with certain statutory functions for the settlement of disputes in the Beedi industry, under the Beedi and Cigar Workers Act, 1966 which came into force in this State from 1st April 1968. The Commissioner of Labour has reported that as against 50 Officers he had asked for this work, he has been given only 5 Government Labour Officers.

34.7. It is evident that if the objectives of the legislation are to be fulfilled and the standards of inspections prescribed by Government are to be observed, it would be necessary to sanction an adequate number of Government Labour Officers or Inspectors after assessing the workload in a realistic manner. The Industries and Labour Department is contemplating carrying out a systematic work study with a view to fixing norms of work for Government Labour Officers. When carrying out this study the entire scope of the Labour Officers' work may be considered and assessed so that adequate staff could be sanctioned, if necessary in a phased manner.

34.8. The Commissioner of Labour has submitted a scheme for streamlining his headquarters office. It is proposed under the scheme to have six Wings, each under a Deputy Commissioner of Labour, for dealing with Industrial Relations, Registration, Inspection, Statistics, Research and Publication, and Administration respectively. The scheme is based on the recommendations made by the Regional Working Group on Labour Administration (Western Region) to the National Commission on Labour for reorganisation of the Labour Commissioner's Office. The set-up proposed by the Commissioner of Labour has been examined. A separate Deputy Commissioner for the Statistics Wing would not be justified. Statistics, Labour Intelligence and Information, Research and Socio-Economic Surveys could be placed under one Deputy Commissioner. Before 1950, all these activities were conducted by a separate Directorate known as the Directorate of Labour Information which was retrenched in 1950-51. There is also no need for a full-fledged Deputy Commissioner of Labour to be in charge of the [illegible] Wing, which deals with Establishment, Accounts [illegible]. The work is handled normally by the [illegible] Assistant to the Commissioner of Labour, who is of the [illegible] Commissioner. The Personal Assistant [illegible] necessary to the Commissioner [illegible]

Commissioners should, therefore, be able to give adequate assistance to the Commissioner at headquarters.

34.9. The Commissioner of Labour has also proposed that the Commissioner should co-ordinate the work of all the Wings and attend to establishment matters personally with the assistance of the Personal Assistant and with a small nucleus of staff consisting of 2 Superintendents and 6 Senior Clerks, whose work will consist mainly of taking the Commissioner's orders and doing follow-up work with the different Administrative Wings. This proposal is tantamount to creating a separate office of the Commissioner of Labour within the Office. The system was in vogue before 1950 and was abolished during the retrenchment campaign of 1950-51. There is no justification for creating such an office within an office. The Deputy Commissioners of Labour should be directly responsible to the Commissioner and their work should go to the Commissioner without any further independent scrutiny.

34.10. The Commissioner of Labour has submitted a proposal to reorganise the clerical staff at the headquarters so as to give each Assistant Commissioner of Labour, who is the Conciliation Officer under the Industrial Disputes Act, 1947 and Conciliator under the Bombay Industrial Relations Act, 1946 as well as Officer under the Personnel Management Advisory Service Scheme, at least one Clerk and one Stenographer/Steno-typist, on the lines of the staff given to Industrial Courts, Industrial Tribunals and Labour Courts. The scheme furnished by the Commissioner of Labour with his letter dated 12th March 1969 addressed to me (*vide* Annexure 24) involves no additional cost and may be put into effect.

34.11. The activities of the Labour Department have been increasing year by year. The burden of these activities falls mainly on the Officers of the Department who have personally to take decisions and carry out work in their capacity as Conciliation Officer or Officer acting under the Personnel Management Advisory Service, settle Standing Orders, register Unions, inspect the various factories and establishments and work on Tripartite Committees appointed by Government from time to time. The existing strength of officers at the headquarters needs, therefore, to be continued.

34.12. As regards office staff of the Commissioner of Labour, the following modifications are indicated on the basis of an examination of the workload of the different Branches of the Office:

(i) 'B' Branch which deals with Planning and Establishment and Accounts of the Bombay Labour Institute and Government

Industrial Training Workshops, deals on an average with about *250 receipts per month, which is too low* for a Branch consisting of a Superintendent, 2 Senior Clerks and 4 Clerk-Typists. There is also an Establishment Branch which has a strength of one Superintendent, 5 Senior Clerks and 4 Clerk-Typists, which handles about 650 receipts per month. An Establishment Branch in the Sachivalaya is expected to cope with 1,000 to 1,100 receipts per month. Establishment work cannot differ much from office to office. For the combined work of the 2 Branches referred to, therefore, there should be a staff of only one Superintendent, 4 Senior Clerks and 4 Clerk-Typists. The posts of one Superintendent, 3 Senior Clerks and 4 Clerk-Typists should be reduced.

(ii) Branches 'O' and 'P' deal with miscellaneous references and miscellaneous Acts, Library, International Labour Office references, etc. Looking to the receipts and the type of work handled by these Branches, the existing strength of 2 Superintendents and 6 Senior Clerks for the two Branches is excessive. The Branches may be combined and one Superintendent and 2 Senior Clerks reduced.

(iii) A Branch consisting of a Superintendent, a Senior Clerk and 2 Junior Clerks has been sanctioned for work relating to the Beedi and Cigar Workers Act. Though the work of this Branch at present is negligible, more work is expected as and when the enforcement of the Act gathers momentum and no reduction is, therefore, suggested.

(iv) As regards the lowest cadre of ministerial staff, viz., Clerk-Typists, the work involved at this level was examined in detail in consultation with the Officers of the Commissioner of Labour. The Commissioner of Labour has worked out the average diary receipts per Clerk-Typist as 6.4 per day, which would would work to about 9.8 or 10 work-sheet receipts per day. This workload is on the low side considering the routine type of work handled by the clerks. There are 20 general duty clerks attached to the different Branches. It was noticed that 9 of these Branches (Planning, O and M, etc.) have receipts of about 9 per day on an average, which workload is too little for a general duty clerk. It should, therefore, be possib'e to reduce 5 posts of Clerk-Typists without any difficulty.

34.13. As regards the mofussil offices, the clerical strength of the Poona Office needs to be increased. Besides the Deputy Commissioner of Labour, there are 2 Assistant Commissione . o

ment Labour Officers and 2 Shop Inspectors, while the clerical staff consists of a Superintendent, 4 Senior Clerks and 8 Clerk-Typists. Powers of adjudication under section 10(*1*) of the Industrial Disputes Act in respect of individual disputes, as also the power of Certifying Officer under the Industrial Employment (Standing Orders) Act have recently been delegated to the Deputy Commissioner of Labour. He is also Registrar of Trade Unions for the Poona Division. Though powers have been delegated to him from time to time, the staff in the office of the Commissioner of Labour at Bombay which used to handle the work previously has not been transferred to him. He should, therefore, be given additional staff of one Superintendent, one Senior Clerk and 2 Clerk-Typists.

34.14. The Poona Office has a Class IV strength of 13. This seems to be excessive and may be regulated according to the general orders regarding allotment of Class IV staff. Similarly, the Class IV staff in the Sholapur Office (1 Government Labour Officer, 2 Typists and 4 Peons) may be regulated in accordance with the prescribed scale.

34.15. A post of Chief Editor for running a Correspondence Course in Trade Unionism, together with a staff of 2 Steno-typists, a Clerk-Typist and 2 Peons has been sanctioned for the Bombay Labour Institute. These posts have remained vacant since 1964 when they were sanctioned, evidently because there is no demand for the Correspondence Course. Even the response to the regular Course in Trade Unionism started by Government is very poor. The scheme of running a Correspondence Course in Trade Unionism may, therefore, be given up and the posts in question abolished.

Factory Department

34.16. The Chief Inspector of Factories has under him 4 Deputy Chief Inspectors of Factories, two at Bombay and one each at Poona and Nagpur. There are 32 Inspectors of Factories, 27 Inspectors of Notified Factories and 10 other inspecting officers like Technical Inspector, Lady Inspector and Medical Inspectors.

34.17. The number of factories in the State had risen from 8,010 in 1960 to 10,498 in 1968. According to the scale laid down by the Government of India, viz., one Inspector of Factories for 150 factories, the strength of Inspectors in 1968 should have been 70, while the actual strength was 47 only. Government has also notified some power-loom units under the Factories Act, which has added to the work of the Inspectorate. Government sanctioned additional staff of 1 Deputy Chief Inspector of Factories, 4 Junior Inspectors of

Factories, 1 Chemical Inspector of Factories and 4 Inspectors of Notified Factories in 1969-70 (which posts are included in the figures given in the preceding paragraph). Even with these additional posts, the Inspectorate is short of staff as per scale prescribed by the Government of India. It may be observed that Government receives a revenue of about Rs. 15 lakhs per annum by way of licence fees prescribed under the Factories Act, while the expenditure on the Factory Inspectorate amounted to about Rs. 5 lakhs per annum in 1968. The intention in levying the licence fees is mainly to meet the cost on account of inspection services under the Act. There is, therefore, an obligation on Government to see that the optimum Inspectorial staff is sanctioned. The norms laid down by the Government of India may be followed for this purpose.

34.18. The workload of the office of the Chief Inspector of Factories indicates, on scrutiny, that on the present basis there is *scope for the following reductions in the staff:*

There are 7 posts of Superintendents as against 4 in 1960, while the strength of the remaining staff has remained more or less the same. It appears that the 3 additional posts of Superintendents have enabled the Office to carve out more Branches, but the receipts handled by the various Branches indicate that there is insufficient workload for some. For example, Branch I, comprising a Superintendent, a Senior Clerk and a Clerk-Typist which deals with amendments to the Factories Act and the Rules thereunder, etc. has hardly any work. There is another Branch, viz, IV, which also deals with amendments to the various other Acts. These 2 Branches should be combined and 1 Senior Clerk and 1 Clerk-Typist reduced. There is also not much work for Branch II dealing with establishment matters and Branch III dealing with accounts, budget, library and registry, each Branch being in charge of a Superintendent. The budget, accounts and establishment work could be brought together under one Branch, the library and registry may be placed in charge of a Senior Clerk and one post of Superintendent may be abolished. Some of the posts now surplus may, however, have to be retained if my recommendations for the expansion of the Inspectorate meet with the approval of Government.

Steam Boilers Department

34.19. The Steam Boilers Department has its head office at Bombay and 2 Regional Offices at Sholapur and Nagpur. Besides the Chief Inspector and Deputy Chief Inspector of Steam Boilers, there are 18 Inspectors of Steam Boilers and Smoke Nuisances and 1 Smoke

Observer. The 2 Regional Offices are each headed by an Inspectc of Steam Boilers and Smoke Nuisances.

34.20. The work of the Inspectors of Steam Boilers has increase considerably since 1962 when the manufacture of boilers and boile mountings was started by a local firm in Bombay and the Inspector have had to function as Inspecting Authority under the India Boiler Regulations for according approval to boilers in manufacture This work has increased enormously in recent years, as most of the boiler manufacturers have their factories in Maharashtra (the other major centre is West Bengal). There have been frequent representations from the industry that the Inspectors of the Steam Boilers Department are unable to certify the boilers as often as needed, resulting in the slowing down of production. Without the certificate of the Steam Boilers Inspectors the boilers cannot be put into use.

34.21. The *Ad hoc* Committee of the Central Boilers Board has devised the following norms for assessing the strength of an Inspectorate dealing with inspection of boilers, economisers, steam pipes, etc. during erection, in use or under manufacture including manufacture of ancillary pressure parts:

(*a*) For boilers and economisers (including steam and feed pipes in use).	A maximum of 250 boilers of various types and sizes or 500 economisers per Inspector per two years. (A boiler/economiser under registration is to be taken as two boilers/economisers for this purpose).
(*b*) For boilers under manufacture.	
(i) Shell type boilers.	One boiler under manufacture should be equivalent to eight boilers in use as far as inspection is concerned.
(ii) Water Tube or Thermal Station boilers.	25 sq. meters of heating surface of the boiler or part thereof should be considered as equivalent to one installed boiler as far as inspection is concerned.

(c) Mountings, fittings and other scantlings under manufacture and/or manipulation and fabrication.	No firm basis can be laid down but the requirements of Inspectors may be assessed against time and labour involved and on the basis of 250 boilers per Inspector per year.
(d) Power Station boilers under erection.	Each boiler under erection should be reckoned at 125 installed boilers for supervision of site fabrication, tests, etc.

34.22. On the basis of these norms the number of Steam Boilers Inspectors required is indicated below:

	Existing Strength	Strength required as per norms
Bombay Head Office ...	9	14
Poona Division .. .	1	3
Central Division (Nasik, Dhulia and Jalgaon Districts) .	1	1
Nagpur Division	1	2
Aurangabad Division ...	1	1
Total ..	13	21

34.23. An adequately staffed Steam Boilers Inspectorate is essential not only for the proper maintenance of industry by means of annual inspections of boilers but also for the growth of the boiler manufacture industry in this State. It is, therefore, recommended that staff as indicated on the basis of the norms devised by the Central Board be sanctioned.

The Employment Exchanges

34.24. The main function of the Employment Exchange Organisation with its net-work of Employment Exchanges located in Greater Bombay and in every District of the State is to register applicants seeking employment, to register demands for workers from employers and to select and submit suitable applicants to the employers. Ancillary to this function is that of collection of Employment Market Information. Under the Employment Ex ges (Compulsory Notification of Vacancies) Act, 1959 is in

the Private Sector employing 25 and more workers have been brought under the purview of the Employment Market Information Programme. In addition, the Organisation has carried out intensive private studies to cover employers employing 10 or more workers in the Districts. It also runs 19 Youth Employment Service (Vocational Guidance) sections attached to different Employment Exchanges, 4 University Employment Information and Guidance Bureaus, and 25 Rural Employment Bureaus, one in each District situated in a Community Development Block. The Decasualisation Scheme (Textile) is also being worked by the Organisation, for which 4 Sectional Offices at different localities in Bombay City and one at Sholapur have been set up. The Director of Employment has also a small Occupational Information Unit which carries out research and surveys and occupational analysis and brings out publications containing information on careers, etc.

34.25. The Organisation is headed by the Commissioner of Labour and Director of Employment, who is assisted at the Headquarters by a Deputy Director of Employment, an Assistant Director and other officers and staff. In a majority of the Districts, there is a District Employment Exchange with a District Employment Officer in charge. The Exchanges in the remaining 7 Districts are called Sub-Regional Employment Exchanges which are in charge of Sub-Regional Employment Officers. (There are also a Regional Employment Exchange and a Sub-Regional Employment Exchange in Bombay). These Exchanges were called Sub-Regional when they were originally set up to serve more than one District and there were no District Exchanges. The term is now a misnomer, though the Officers in charge enjoy a higher status and pay than District Employment Officers. There is no Regional Organisation in the Department because each Exchange in the District is a Unit by itself, and there are very few functions which a Divisional Office can perform to relieve the work of the Headquarters Office.

34.26. On a review of the Organisation, the following changes seem to be called for :

(1) A post of Employment Liaison and Youth Employment Officer in the Head Office is vacant. The post was originally sanctioned for disseminating information about employment opportunities to prospective entrants to the labour market and giving guidance to them in regard to training to enable them to equip themselves for better jobs. Subsequently a post of Sub-Regional Employment Officer (Vocational Guidance) was also sanctioned for the same purpose. The former post, along with a post of peon attached to the Officer, may be abolished.

(2) The post of Artist at the Head Office is also vacant. The Director of Employment has proposed that the post may be retrenched. I agree.

(3) There is hardly any work for the Steno-typist attached to the Sub-Regional Employment Officer (Vocational Guidance), while there are only 2 posts of Typists for the whole Office. The post of Steno-typist may be converted into one of Typist.

(4) There are 19 sanctioned posts of Assistant Employment Officer (Youth Employment Service), out of which 12 posts have been kept vacant in pursuance of the ban imposed by Government on the filling of posts at the time of the Chinese and Pakistani aggressions. These posts were intended for offering guidance to students and other members of the public approaching the Exchanges for job opportunities. There is, however, another agency working for the same purpose under the Employment Exchange Organisation, viz., the 4 University Employment Bureaus. There are also Vocational Guidance Units under the Education Department for providing Vocational Guidance. There is, therefore, no need for these posts except at Exchanges where there are heavy registrations and placements. It is, therefore, recommended that only 5 posts of Assistant Employment Officer (Youth Employment Service) may be retained, one each at the Regional Employment Exchange at Bombay, and the Sub-Regional Employment Exchanges, Nasik, Thana, Poona and Nagpur. The remaining 14 posts may be abolished, along with the posts of 14 junior clerks and 14 peons subject to the next recommendation.

(5) The Organisation is in need of Employment Exchanges at Pimpri and Kalyan where an increasing tempo of industrial activity has been in evidence in recent years. It is, therefore, recommended that, out of the 14 surplus posts referred to in the preceding paragraph, 2 may be utilised for setting up Employment Exchanges at Pimpri and Kalyan, along with the posts of 2 junior clerks and 2 peons. A post of Assistant may also be sanctioned for each of the two Exchanges.

(6) As stated earlier, the term "Sub-Regional Employment Exchange" is a misnomer. In the light of statistics of registrations and placements, officers with a higher status and pay than those of District Employment Officers would be justified only at the Exchanges in Bombay, Poona, Thana, Nagpur and Nasik. The Sub-Regional Exchanges at Amravati, Sholapur and Aurangabad have much less work and their workload is more or less on par with that of [illegible] ost of the District Employment Exchanges. The [illegible] al

Employment Exchanges may, therefore, be downgraded to District Employment Exchanges. This involves the downgrading of 3 posts of Sub-Regional Employment Officers to the posts of District Employment Officers.

(7) The 4 University Employment Bureaus serve an important purpose, viz., guiding College students in regard to the various professional courses as well as the openings in different vocations available to them. It is, therefore, necessary that these Bureaus, which are at present manned by Assistant Employment Officers, should be in charge of Officers of a higher status. It is recommended that the Bureaus may be placed in charge of Officers of the level of Sub-Regional Employment Officers instead of Assistant Employment Officers.

(8) The 25 Rural Employment Bureaus attached to Community Development Blocks, one in each District, are under the charge of Junior Employment Officers. Their duties consist in dissemination of occupational information at the Block level, conducting rural man power surveys, studying the impact of the Plan on the generation of employment and registration of local applicants. The duties are somewhat hazy and Government in the Industries and Labour Department has come to the conclusion that these posts do not serve any useful purpose. It would, however, be necessary for the Directorate of Employment to carry out rural man power surveys from time to time. It would be desirable to have such surveys carried out under central direction. It is, therefore, recommended that a few of the 25 posts may be kept at Headquarters to form a nucleus staff for the purposes of these surveys and the remaining posts may be abolished.

(9) It is noticed that the Employment Exchange at Andheri in charge of an Assistant Employment Officer does not serve any useful purpose, as noticed from the number of registrations and placements with this Exchange. On the other hand, there is need for an Exchange in the more heavily industrialised area near Kurla. The Exchange at Andheri may, therefore, be shifted to this area.

(10) The 5 Sectional Offices of the Decasualisation Scheme have at present only one Senior Clerk each. Their work consists of supplying *badli* labour to the textile mills on demand. The Director of Employment reports that the Senior Clerks labour under an inferiority complex when dealing with the authorities of the textile mills and with the public. The Badli Enquiry Committee appointed by Government has also come to the conclusion that if the Scheme is to run successfully, the sections should be manned by a Gazetted

Officer at least. Government has accepted the recommendation. The 5 Sectional Offices may, therefore, be placed in charge of an Assistant Employment Officer each.

(11) As regards District Employment Exchanges, the Director General of Employment and Training at New Delhi has evolved a formula to measure the ministerial staff strength required for the work pertaining to registration, submission and placement activities of the District Employment Exchanges. The formula has been devised after ascertaining the time taken in minutes by a Clerk for measurable items of work, by actual time and motion studies and also after taking into account the time required for non-measurable items. The formula appears, however, to be somewhat imprecise and it appears that too much time has been allowed for work on statistically non-measurable items. A statement has, therefore, been prepared (*vide* Annexure 25) showing the total staff strength at each of the Employment Exchanges, the staff admissible according to the staffing formula evolved by the Directorate General of Employment and Training and the staff allowed on the measurable items only. It would be seen that, in the case of a majority of District Employment Exchanges, the total staff strength is more than the staff required for measurable items only and there is some margin to account for staff time on non-measurable items. In the light of the volume of work at the various Exchanges indicated by the registrations, submissions and placements, the following changes in the clerical staff of some of the Exchanges are recommended:

Name of the Exchange	[illegible]
Regional Employment Exchange, Bombay ..	— 1 clerk
Sub-Regional Employment Exchange, [illegible]	— 1 clerk
Sub-Regional Employment Exchange, [illegible] ..	— 1 clerk
District Employment Exchange, Jalgaon .	— 1 [illegible]
District Employment Exchange, [illegible] ..	— 1 [illegible]
District Employment Exchange, [illegible] ..	— 1 [illegible]
District Employment Exchange, [illegible] ..	— 1 [illegible]
District Employment Exchange, [illegible] ..	— 1 [illegible]
Sub-Regional Employ[illegible] abad.	— 1 [illegible]
Sub-Regional Employment [illegible] .	— [illegible]
[illegible]	[illegible]

(12) The question of providing jobs to local labour has received considerable attention and importance of late. It is understood that a Cell is proposed to be created in the Industries and Labour Department for co-ordinating the activities of the Director of Industries, Commissioner of Labour and Director of Employment in this regard. The problem exists mainly in Bombay and Poona. It will be necessary for the officers of the Employment Exchange Organisation to pay visits to factories for this purpose. It is, therefore, recommended that the Employment Exchanges at Poona and Bombay may be given additional staff of one and two Assistant Employment Officers respectively for this work.

34.27. There are certain problems peculiar to the Regional Employment Exchange, Bombay, owing to the concentration of industrial establishments in this Region, which are discussed below.

(i) The Regional Employment Exchange, Bombay registers on an average about 300 applicants daily (including cases of re-registration). The candidates who come for registration are given instructions as to how the registration card, which has 26 items, should be filled. For this purpose, they are divided into two groups, viz., those having a knowledge of Marathi and others. This grouping has become necessary as the registration card which is to be filled in by them is available in Marathi only. Instructions to the group not knowing Marathi are given in English, supplemented with Hindi where necessary. In spite of briefing, however, candidates in the non-Marathi group are unable to fill up the cards by themselves and have to be helped in filling each item correctly. Of the six clerks employed on registration work in the Bombay Regional Office, four are put on guiding the candidates who do not know Marathi. Besides, two Assistant Employment Officers have to devote a good deal of their time to guiding these candidates.

(ii) Another difficulty is in regard to collection of Employment Market Information. There are about 6,000 establishments employing 25 persons or more in the Bombay Region. Under the Compulsory Notification of Vacancies Act, it is incumbent on employers to furnish certain information to the Regional Office periodically. There is a quarterly report to be furnished by each establishment, showing the number of vacancies which could not be filled for want of suitable candidates etc., and also a report to be submitted once in two years in which the classification of the employees according to their occupation or job is to be indicated. Though the employers concerned are expected to send the

information in the prescribed form each quarter/once in two years, the Regional Office supplies the forms to the employers (as directed by the Director General of Employment and Training) in order to facilitate collection of the information. These forms (Form Nos. ER 1 and ER 2) are also in Marathi. Out of the 6,000 establishments, only about 3,000 furnish the information. It is reported that the staff of the Regional Office is inadequate to chase the establishments which fail to comply. Though the office is expected to prosecute employers who fail to furnish information, it has not been possible to do this systematically for want of adequate staff. Still about 6 to 8 prosecutions are launched on an average every year The staff-time involved in dealing with these cases is considerable, as also the Officers' time. Moreover, for dealing with the employers, an Officer of sufficiently high status and calibre is needed.

(iii) Apart from the difficulty in regard to the inadequacy of staff, the fact that the forms are in Marathi has led to some difficulty. About 25 per cent. of the firms return the forms uncompleted on the ground that they are unable to follow them. Such firms are, however, informed that it is obligatory for them under the Act to supply the information and that the forms are available in English in the original Act.

(iv) When sending candidates to the establishments according to their requisition, the form No. EX-83 is used, which is also in Marathi, but when sending candidates to Central Government Offices and private employers, the Regional Employment Exchange generally sends the particulars of candidates in form EX-83 in English in the interests of speedy absorption of the unemployed.

As the Regional Employment Exchange, Bombay has to deal with a large number of non-Marathi knowing candidates as well as Central Government and private offices which would prefer to deal with the Employment Exchange in English, if the Exchange is to give the optimum output and return, it is imperative that the various forms used by the Employment Exchanges in Greater Bombay should be bilingual, i.e., both in Marathi and in English. (The Railway reservation forms, for instance, are both in Hindi and English). This would reduce a considerable amount of work in the Bombay Offices in explaining entries in the form to candidates, result in establishing better relations with employers in the Region and would facilitate the collection of Employment Market Information which is an important activity of the Employment Exchanges.

ANNEXURE 24

(*Vide* paragraph 34.10)

Reorganisation of the clerical staff of certain Branches of the Commissioner of Labour's Office

Existing pattern of work :—

	G Branch	H Branch	D Branch	J Branch (Partial)
Work ..	Administration of Industrial Disputes Act, 1947 and Payment of Bonus Act, 1965.	P. M. A. S. Work ..	Dictation and Typing work..	Conciliation work under B. I. R. Act.
Pattern ..	2 Superintendents .. .. .. 5 Senior Clerks. 12 Clerk-typists.	1 Superintendent .. 2 Senior Clerks. 3 Clerk-typists.	6 Stenographers .. 8 Steno-typists. 11 Typists (including one Senior Typist).	2 Clerk-typists.

Pattern of work after reorganisation :—

	G Branch (Section I)	G Branch (Section II)	H Branch	D Branch	J Branch
Work ..	Conciliation work under B.I.R. Act. ..	Administration of I. D. Act and Payment of Bonus Act.	P. M. A. S. Work ..	Dictation and Typing ..	Existing work *minus* conciliation work under B. I. R. Act.
Pattern ..	1 Superintendent .. 10 Clerk-typists .. 5 Steno-typists.	1 Superintendent .. 5 Senior Clerks. 4 Clerk-typists ..	1 Superintendent .. 2 Senior Clerks. 3 Clerk-typists .. 1 Steno-typist.	6 Stenographers .. 2 Steno-typists. 11 Typists (including one Senior Typist).	Existing Staff *minus* 2 Clerk-typists.

ANNEXURE 25

[*Vide* para 34.26 (11)]

Statement showing the total staff strength at each of the Employment Exchanges, staff admissible as per staffing formula of the Director General of Employment and Training and staff allowed on the measurable items only

Serial No.	Name of the Exchange	Total staff strength	Staff admissible as per staffing formula of the Director General of Employment and Training	Staff allowed on the measurable items only
1	2	3	4	5
1	Regional Employment Exchange, Bombay.	17	25	18.3
2	Sub-Regional Employment Exchange, Bombay.	25	36	26.2
3	Sub-Regional Employment Exchange, Nasik.	8	11	7.3
4	Sub-Regional Employment Exchange, Thana.	7	13	8.7
5	District Employment Exchange, Jalgaon.	6	9	6
6	District Employment Exchange, Dhulia ..	3	5	3
7	District Employment Exchange, Ratnagiri.	3	6	3.4
8	District Employment Exchange, Alibag ..	3	4	1.7
9	Employment Exchange, Andheri ..	3	4	1.7
10	Special Employment Exchange for Physically Handicapped, Bombay.	1	2	....
11	Sub-Regional Employment Exchange, Poona.	28	28	20
12	Sub-Regional Employment Exchange, Sholapur.	6	9	5.5
13	District Employment Exchange, Kolhapur.	3	8	3.9
14	District Employment Exchange, Ahmednagar.	3	6	3.2
15	District Employment Exchange, Satara ..	3	5	2.5
16	District Employment Exchange, Sangli ..	3	4	2.3
17	Sub-Regional Employment Exchange, Nagpur.	11	15	10
18	Sub-Regional Employment Exchange, Amravati.	4	6	3.2
19	District Employment Exchange, Akola ..	3	5	2

Serial No.	Name of the Exchange	Total staff strength	Staff admissible as per staffing formula of the Director General of Employment and Training	Staff allowed on the measurable items only
1	2	3	4	5
20	District Employment Exchange, Chandrapur.	4	6	3.5
21	District Employment Exchange, Wardha.	3	4	2.4
22	District Employment Exchange, Bhandara.	3	7	4.6
23	District Employment Exchange, Yeotmal.	3	3	1.5
24	District Employment Exchange, Buldhana.	3	4	2.1
25	Sub-Regional Employment Exchange, Aurangabad.	5	9	5.7
26	District Employment Exchange, Nanded.	4	5	2.5
27	District Employment Exchange, Osmanabad.	3	5	2.4
28	District Employment Exchange, Parbhani.	3	4	2.1
29	District Employment Exchange, Bhir ..	3	5	2.4
30	Decasualisation Scheme, Worli ..	4	7	4.2
31	Decasualisation Scheme, Naigaum ..	4	7	4.1
32	Decasualisation Scheme, Kalachowki ..	4	5	2.7
33	Decasualisation Scheme, Delisle Road ..	4	6	3.6
34	Decasualisation Scheme, Sholapur ..	3	3	0.7

Statistically non-measurable items

Statistical compilation, labour and vacancy clearing, attending to calls by officers for discussion, sorting, diarising, distribution of Dak, maintenance of office files, records, distribution of stock and stationery, cash and accounts work, despatch and typing. (There is no post of Typist sanctioned in any Employment Exchange. Typing is therefore done by one of the clerks).

CHAPTER 35

DEPARTMENTS RESPONSIBLE TO GOVERNMENT IN THE LAW AND JUDICIARY DEPARTMENT

The Charity Commissioner's Organisation

35.1. The organisation under the Charity Commissioner was set up in 1952 for carrying out the provisions of the Bombay Public Trusts Act, 1950, which regulates public, religious and charitable trusts in the State, including societies formed for religious or charitable purposes. The Charity Commissioner also functions as Registrar of Societies for the State of Maharashtra under the Societies Registration Act, 1806. The Officers in this Organisation perform both semi-judicial and administrative functions. The former relate to the conduct of inquiries under the various provisions of the Bombay Public Trusts Act, 1950. Their administrative work comprises supervision and control over the various institutions registered under the provisions of the Public Trusts Act, such as securing of audited statements of accounts and their scrutiny, assessment and recovery of contribution from the public trusts, inspection of institutions, disposal of complaints, filing of suits against the trustees and persons concerned where necessary, prosecution of trustees for offences under the Act, etc.

35.2. At the head office in Bombay, the Charity Commissioner is assisted by a Joint Charity Commissioner, a Deputy Charity Commissioner, two Assistant Charity Commissioners and a Secretary, Devasthan Committee, Kolhapur, as also a Director of Accounts and an Assistant Director of Accounts drawn from the Maharashtra Finance and Accounts Service. There are seven Regional Offices of the organisation at Bombay, Poona, Nasik, Kolhapur, Nagpur, Akola and Aurangabad. The Bombay and Nagpur Regional Offices are headed by a Deputy Charity Commissioner each, while the other Regional Offices are each in charge of an Assistant Charity-Commissioner.

35.3. The Office of the Charity Commissioner and the Regional Offices under it were examined by a Work Study Team of the General Administration Department in 1967. The Team has made a number of recommendations for improvement of office procedures and elimination of unnecessary work. It has also recommended delegation of some of the powers of the Charity Commissioner to the Regional Deputy/Assistant Charity Commissioner, which would go a long way in reducing work at Headquarters as well as in the Regional Offices. It appears that there is resistance to some recommendations and some others are still being processed. The recommendations which are constructive in character call for speedy, sympathetic and objective consideration. I recommend that the delegation of powers to the Regional Officers as recommended be effected to the maximum extent feasible and the proposals requiring amendments to the law speedily examined and considered by Government.

35.4. An important recommendation of the Work Study Team relates to the arrangements for scrutiny of the accounting returns furnished by the public trusts. The Team has observed that there is no system for taking up the accounting returns for scrutiny and that these returns are examined in a haphazard manner resulting in heavy arrears. The statistics of work furnished by the Charity Commissioner also indicate heavy arrears of accounting returns pending scrutiny in the Regional Offices in Poona and Nasik and also a large number of Trusts which have not submitted accounting returns in the two regions as well as in Greater Bombay, Kolhapur and Aurangabad Regions. Further, the accounting returns which are often prepared by Chartered Accountants are primarily scrutinised at the level of senior clerks, as the Deputy/Assistant Charity Commissioner is occupied with other work of a judicial nature and is also generally not fully conversant with accounts matters (being drawn from the judiciary or the legal profession, according to the provisions of the Bombay Public Trusts Act). There is also no officer in the Regional Offices at present who could undertake inspections of the accounts of the public trusts independently and also go through the accounting returns filed by the trustees in detail. The Work Study Team was informed that there were many cases in which suits could be filed but action could not be taken because of inadequate staff. The Team has, therefore, proposed the strengthening of the accounts and litigation sides by appointing a Class II Officer, preferably with a degree in Commerce and Law, to be designated as "Accounts Officer", in each of the six regions outside Bombay and a similarly qualified Class I Officer in the Regional Office for Greater Bombay.

35.5. With regard to the foregoing recommendations of the Work Study Team, the Law and Judiciary Department is apparently of the view that the accounts submitted by the public trusts are not likely to be so complex (except in the case of the Greater Bombay Region) as to need a high degree of proficiency in accounts and that the Deputy/Assistant Charity Commissioner in charge of the Regional Offices should be able to acquaint himself with the requirements of accounts to the extent necessary for the proper discharge of his duties. The Department has accepted the need for an Accounts Officer in the Bombay Region and has suggested that the post of Assistant Director of Accounts in the Head Office may be transferred to the Greater Bombay Regional Office.

35.6. If the Law and Judiciary Department view that the accounts submitted by the public trusts in the mofussil are not particularly complex and that the Regional Deputy/Assistant Charity Commissioner should be able to deal adequately with the accounts work is correct, it would be pertinent to enquire why the existing heads of Regional Offices have not been able to cope with the work and why heavy arrears of accounting returns have been allowed to accumulate in these offices. It would also seem necessary to investigate and fix responsibility on the concerned officers of the Charity Commissioner's Organisation, from the Charity Commissioner downwards, for the gross neglect which this work has been allowed to suffer both in volume and in quality. I cannot say how well-founded the view of the Law and Judiciary Department is. It would, perhaps, be appropriate to have a thorough investigation made of the nature and volume of the work involved in the examination of these accounts. I recommend that the Director of Accounts and Treasuries may carry out such an investigation with the help of a Senior Accounts Official and may be requested to make his recommendations for augmenting the Accounts staff to the extent necessary. The organisation as recommended by the Director of Accounts and Treasuries should then be appointed without further delay so that this important aspect of the work relating to public trusts is speedily rescued from further neglect.

35.7. The Charity Commissioner has proposed the creation of Sub-Regional Offices at 19 district places, i.e., at district head-quarters other than those where Regional Offices are located at present, in order to remove the inconveniences felt by the trusts situated away from the Regional Offices and also in the interests of more effective control and supervision over the trust
In view, however, of the unequal distribution of

the different districts of the State, it would be possible to group some of the smaller districts together under a single Regional Office. The Law and Judiciary Department has proposed that the 14 Districts which have more than 1,000 trusts each may be given a sub-regional office. These districts are : Kolaba, Sholapur, Ahmednagar, Sangli, Satara, Ratnagiri, Jalgaon, Thana, Amravati, Buldhana, Bhir, Nanded, Osmanabad and Parbhani. Bhandara (286 trusts) and Chanda (434 trusts) may have a common sub-regional office, while Wardha (729), Dhulia (680) and Yeotmal (832) may be tagged on to Nagpur, Jalgaon and Buldhana Offices respectively.

The 15 sub-regional offices would need posts of an Inspector, a Junior Clerk and an Attendant each. As the creation of the sub-regions would take the load off to some extent from the existing Regional Offices, it would be possible to reduce and transfer 8 Inspectors and 6 Junior Clerks from the Regional Offices other than Greater Bombay. As proposed by the Law and Judiciary Department, 15 sub-regional offices may be set up, part of the staff being provided from the existing Regional Offices.

35.8. The post of Assistant Charity Commissioner, Nagpur was recently upgraded to that of Deputy Charity Commissioner but it is reported that no post of Stenographer was sanctioned. It should be obvious that the Deputy Charity Commissioner could not give the best return if he has to devote his time to manuscript notes and orders for want of a Stenographer. Such posts which are a corollary should generally be sanctioned as a matter of course and not be made to wait upon Administrative Reorganisation.

35.9. The work of typing copies of documents and proceedings to be supplied to Trustees is at present entrusted in the Charity Commissioner's Office to copyists engaged on the basis of job work. Applications for such copies received from Trustees are handed over to the copyists, who collect the relevant records from the persons dealing with the matter and make copies. The copyists use type-writers supplied by the office. Payment is made to them from the fees recovered from the applicants at the rates prescribed in the rules, after deducting charges for paper used in the preparation of copies. It is understood that the emoluments received by the typists are adequate to support full-time typists. Irrespective of that position, it is extremely undesirable to entrust the papers of the Charity Commissioner's office to outsiders. The practice of engaging copyists may, therefore, be discontinued and posts of typists may be sanctioned on the regular establishment on the basis

of the workload. It is always feasible to adjust the copying charges so as to recover the cost of the establishment in full, if desired.

The Administrator General and Official Trustee

35.10. The office of Administrator General and that of Official Trustee have been combined for convenience into a single office of the Administrator General and Official Trustee, though they have distinct functions under two different statutes. The functions and duties of the Administrator General are prescribed in the Administrators General Act, 1963, which has replaced the Administrators General Act, 1913. His main function is to take probate and to administer the estates of the deceased persons when there is no one appointed or forthcoming to take up the work. As Official Trustee, he functions under the Official Trustees Act, 1913. He has a considerable amount of executive work in connection with management of moveable and immoveable properties as also judicial work in the course of administration of estates and trusts.

35.11. The Administrator General and Official Trustee has a small office consisting of a Superintendent, an Accountant and 23 Senior and Junior Clerks.

35.12. A work study of the office was carried out by a Work Study Team of the General Administration Department in 1965. As a result of the suggestions made by the Team, a number of measures have already been adopted towards streamlining the working of the office. The office was also inspected by my Liaison Officer and Deputy Secretary in the Law and Judiciary Department in order to obtain first-hand knowledge of its working. It was observed that there was no congestion or accumulation of work in any section of the office and the existing staff seemed adequate for the volume of work. There is also no likelihood of any increase in the volume of work in the future as, it is understood, the public appears to be now less inclined to hand over properties to the Administrator General and Official Trustee by creating trusts (probably because of the low returns on investments) and consequently the number of properties managed is on the decline.

35.13. The staff of the office has repeatedly represented that they have limited chances of promotion, as theirs is a small office with only the posts of a Superintendent and an Accountant at the top. Even the post of Accountant has now been transferred to Maharashtra Finance and Accounts Service. In order to meet grievance, the Work Study Team had recommended [illegible]

of the ministerial cadres of the offices of the Administrator General and Official Trustee and the Charity Commissioner. The recommendation has been examined by the Law and Judiciary Department and found unacceptable, as there would be a number of practical difficulties in having a common cadre of staff working under two different heads. The alternative of merging the two offices under a common head has also been examined. The duties of the Official Trustee are akin to those of trustees of public trusts over whom the Charity Commissioner is expected to exercise supervision and control. It is not, therefore, desirable in principle to require the same individual to perform the duties of both the offices.

35.14. The question of lack of promotion prospects in the smaller offices of Government has been dealt with elsewhere* and the recommendations made in that connection would remove the grievance of the staff of the Administrator General and Official Trustee.

* Paragraphs 4.15—4.17.

CHAPTER 36

DEPARTMENTS AND OFFICES RESPONSIBLE TO GOVERNMENT IN THE REVENUE AND FORESTS DEPARTMENT

The Land Records Department

36.1. The Land Records Department is responsible for revenue survey and settlement which form the basis of the land revenue administration of the State. The Department is required to attend to the following items of work:

(1) To maintain the survey and classification records up-to-date by recording all changes by regular field work;

(2) To organize and carry out village site and city surveys and arrange for their maintenance;

(3) To carry out special surveys for private individuals and public bodies and survey (and measurement work) for the Defence, Town Planning and other Government Departments;

(4) To supply permissible extracts from survey records to the public on payment and free extracts to other Departments for administrative purposes.

36.2. The Settlement Commissioner and Director of Land Records is the head of the Department and is also concurrently Inspector General of Registration. He is also in charge of the administration of the Alienation Office, Poona. There are three Regional Offices of Deputy Director of Land Records: one at Nagpur, one at Poona and one at Bombay.

36.3. There was only one office of Deputy Director of Land Records in the year 1960. Two more Deputy Directors of Land Records were appointed in the year 1965, one at Bombay and one at Poona. Recently a revised set-up for the Regional Offices of these two

Deputy Directors of Land Records has been sanctioned and their jurisdiction is made co-extensive with Poona and Nasik Circles.

36.4. There are 130 City Survey Offices in the State, the maintenance of which is done by the staff of the Maintenance Surveyors of Land Records Department. This staff of Maintenance Surveyors is borne on the establishment of the District Inspector of Land Records, but the day-to-day control of the offices is with Revenue Officers who are generally local Tahsildars. The technical supervision is of the District Inspector of Land Records. Generally one Maintenance Surveyor is given charge of 4,000 to 5,000 properties. If the number of properties in a city is less, the Maintenance Surveyor is entrusted with cadestral measurement work of surrounding villages or is given charge of more than one town.

36.5. The district measurement work done by the staff of Cadestral Surveyors and District Surveyors under the District Inspector of Land Records consists of the following items:

(*a*) measurement on application from the private parties;

(*b*) measurement in connection with 'watap' according to Court decrees;

(*c*) measurement in connection with non-agricultural and land record cases;

(*d*) measurement in connection with land acquisition;

(*e*) other miscellaneous measurement cases.

At present, as a result of the development programme, the demand for measurement in land acquisition cases and land grant cases has increased and the Collectors request the District Inspectors of Land Records frequently to give priority to measurement in such cases over the normal measurement work. The normal district measurement work has, therefore, suffered. This has resulted in accumulation of arrears of measurement work in almost all the districts. Every year about 1,500 to 2,000 cases remain in arrears. The Settlement Commissioner reports that about 18,000 cases are now in arrears. The main reason for these arrears is that additional staff has not been created, as and when required, particularly to meet the increased demand for measurement in land acquisition and land grant cases.

36.6. In Government Resolution, Revenue Department, No. EST. 1059/21516-C, dated 17th August 1960, the Settlement Commissioner and Director of Land Records was empowered to create temporary

posts of 'Nimtandars', Surveyors, 'Utara Karkuns' and Scrutiny Clerks in the Land Records Department for a maximum period of six months and maximum total expenditure of Rs. 5,000 per month in connection with land acquisition joint measurement work. A proposal to enhance these powers was made to the Government; but even the powers already delegated to the Settlement Commissioner stand withdrawn in view of orders in Government Resolution, Finance Department, No. FNR. 1066/XXIX, dated 9th September 1965. The time and trouble required for obtaining additional staff can be avoided and expeditious disposal of work achieved if the powers to sanction these temporary posts within the enhanced limit of Rs. 10,000 are re-delegated to the Settlement Commissioner, subject, of course, to budget provision being available. The Settlement Commissioner should also be permitted to switch over the Survey staff from one district to another as and when required.

36 7. The Settlement Commissioner and Director of Land Records has proposed additional standing staff for meeting the demand for measurement in connection with land acquisition and other measurement work. The question was discussed by him in conference with Secretary, Revenue and Forests Department and Collectors. It was agreed that norms should be fixed for the pattern of staff to be appointed under each Land Acquisition Officer for all work in connection with land acquisition. Accordingly, the Settlement Commissioner has proposed that a Land Acquisition Officer should be given a staff of 2 Surveyors for measurement and correction work of every 400 holdings. The norms are reasonable and the proposal is commended.

The Registration Department

36.8. The main activity of the Registration Department is to administer the Indian Registration Act, 1908 (Central Act No. XVI of 1908). This consists of registration of documents under that Act and maintaining the permanent record relating to the documents. In addition to this, the Department attends to the work pertaining to the following items:

(i) Solemnization and registration of the marriages under the Special Marriage Act, 1954 (Central Act No. 43 of 1954).

(ii) Registration of Marriages under the Bombay Registration of Marriages Act, 1953 (Bom. V of 1954).

(iii) Registration of Marriages under the Parsi M[illegible] an[illegible] Divorce Act, 1936 (Central Act No. 3 of 1936).

(iv) Registration of Births and Deaths under the Births, Deaths and Marriages Registration Act, 1886 (Central Act No. 6 of 1886).

(v) To recover the stamp duty and maintain the Register thereof under the Maharashtra Zilla Parishads and Panchayat Samitis (Stamp Duty on Transfer of Immoveable Property) Rules, 1963.

(vi) The Indian Stamp Act, 1899.

(vii) The Bombay Stamp Act, 1958, and

(viii) The Bombay Court Fees Act, 1959.

The functions and duties excepting those under items (i) and (iv) are performed by all Sub-Registrars, while those under items (i) and (iv) are performed by the Sub-Registrars at the District Headquarters only.

36.9. For the purpose of the Indian Registration Act, the State is divided into districts and sub-districts. These Registration sub-districts are generally co-extensive with revenue tahsils. With the other duties besides registration entrusted to the Registration Department, the workload in various registration offices has considerably increased with a corresponding increase in the ministerial/clerical work of the Sub-Registrars' offices such as copying the documents in the registration books, preparation of A-Patrak, F forms, Indexes, etc. This has also contributed to increase in the work of the Inspectors of Registration. The Inspectors, in addition to examining the entries in the additional register books and supplement to Registry book No. 1, are required to examine other books maintained in the Sub-Registry office such as day book, cash book, etc. and bind the photoprints into volumes (of 100 prints each) and certify and seal the bound photoprints.

36.10. There are in all 217 Sub-Registry Offices in the whole State. Of these 140 offices are working under the photo-copying system and the remaining 77 offices are working under hand-copying system. In the offices working under hand-copying system, all the documents presented for registration are copied by hand in the different register books required to be maintained. In the offices working under the photo-copying system, the copying of documents drawn up on printed or lithographed forms is done by filling in the blanks in the spare form supplied by the parties. All the remaining documents presented for registration are sent to the Government Photo Registry where these are photo-copied. One photo-copy of each document is preserved in the Sub-Registry Office.

The receipt of work in Sub-Registry Offices is not evenly spread through the year. To meet the requirements of heavy receipts in the busy season, the District Registrars were empowered to create temporary posts of clerks and the Inspector General of Registration was empowered to sanction temporary establishment for the Government Photo Registry, Poona, as and when necessary. These powers were being exercised till April 1966. The same have, however, been withdrawn under orders contained in the Government Letter, Revenue and Forests Department, No. RGN. 1065/186869-N, dated 29th April 1960. Sanctioning of temporary posts every time delays the work. It is reported that the delay in the registration of documents varies from six months to one and a half years or even more in some cases.

36.11. Moreover, during the course of execution of the Five-Year Plans, Government sanctions loans for different purposes for which documents are required to be executed. These documents are presented for registration in large numbers. Sometimes, these documents are required to be presented for registration before a fixed date, generally the 31st March. According to the provisions of the Act and Rules, Sub-Registrars are required to attend to the following duties personally:

(1) to see whether the document is properly stamped;

(2) to see that all other requirements of the law have been complied with;

(3) to assess the fees leviable thereon;

(4) to examine the executants and identifying witnesses;

(5) to write endorsement on the documents;

(6) to do comparison of copies of documents, made in the register; and

(7) to attest every marginal note in the register book and certify every entry in the register book.

36.12. I recommend that the Inspector General of Registration should be authorised to create temporary posts of Joint Sub-Registrars to meet the aforesaid additional seasonal work for a period up to six months and also to create posts of photo registrars and clerks and other technical staff in Government Photo Registry Offices according to requirements and the District Registrars should be authorized to sanction temporary posts of clerks according to requirements. These powers may be exercised subject to the availability of budget grants but without any financial limit.

Sub-Registry, Bombay

36.13. The Sub-Registrar's Office at Bombay was examined by a Work Study Team, several of whose recommendations which were within the competence of the Inspector General of Registration to implement have been implemented. Other recommendations are under examination of Government. I have no comments of my own or recommendations in this behalf.

The General Stamp Office

36.14. The main function of the General Stamp Office is to store and supply stamps and stamp papers prescribed under the Indian Stamp Act, the Bombay Stamp Act and the Bombay Court Fees Act. These stamps are indented from Nasik Security Printing Press and kept in this office for sale to members of the public and are also supplied to all treasuries in the State for that purpose. The Collector of Bombay is *ex-officio* Superintendent of Stamps in addition to his being the Chief Controlling Revenue Authority for Greater Bombay for purposes of the Stamp Act and the Court Fees Act. There is one Assistant Superintendent and two Deputy Assistant Superintendents who work under the Collectorate of Bombay. The ministerial strength of the office consists of 70 persons.

36.15. The working of the General Stamp Office was studied by the Work Study Unit of the General Administration Department in 1961 and by the Study Team of the Trainees of the Secretariat Training School, New Delhi, in 1967. Both the Study Teams have made several suggestions for improvement in the procedures and methods of work, office lay-out, etc. and if these suggestions are implemented, they would go a long way in improving the working of this office. The important suggestions which should be pursued are :

(i) The Stamp Office has been continued all these years as an appendage of the Collector's Office, though its functions are distinct and justify their being entrusted to an independent head of office. The Assistant Superintendent does not even have an independent telephone and, at present, has to be contacted through the Collector's Office. The status of the Assistant Superintendent of Stamps may be raised to that of a Head of Office and he may be designated as the Superintendent of Stamps. The Collector of Bombay may, however, continue as the Chief Controlling Revenue Authority.

(ii) At present, probates are granted by the High Court. The High Court passes on the schedule showing the details of the

property and its value to the Stamp Office for calculating stamp duty. The High Court grants probate to the party after clearance certificate is received from the Estate Duty Officer. Thus, at present, an estate is valued twice, once by the Estate Duty Officer and then again by the Stamp Office. This valuation by two agencies with an occasional checking by the High Court is not only wasteful but also irksome from the point of view of the parties concerned. The office has heavy arrears of probate cases, their number from 1960 to 1968 being 2,128. It is desirable that property once valued for the purpose of estate duty may not be subjected to a second valuation in the Stamp Office. The valuation of properties done by the Estate Duty Officer may be accepted for the purposes of probates for letters of administration.

(iii) The Postal Department should be requested to make its own arrangements for storage and issue of its stamps and stationery.

I recommend the first two suggestions; as for the third, it has been dealt with in my observations* on the Directorate of Accounts and Treasuries.

36.16. The Superintendent of Stamps has submitted proposals to Government for amending certain provisions of the Bombay Stamp Act and the Bombay Court Fees Act. He has proposed that the Inspectors for clearance who have powers under section 68 of the Bombay Stamp Act, 1958, to inspect documents pertaining to clearance lists only, may be invested with additional powers to inspect and seize the documents falling under any of the sections of the Act. The proposed amendment is on the lines of the amendment carried out by the Gujarat Government and would result in increased revenue. The amendments suggested to the Bombay Court Fees Act are for ensuring expeditious and proper recovery of court fees. These suggestions which are for removing anomalies or deficiencies in the provisions of the Acts require expeditious consideration.

36.17. The Ledger Clerks check the accounts of vendors with a view to avoiding any mischief or defalcation. Three posts of clerks were added to the strength of two clerks in 1963. Some time back, two of these five posts were retrenched as an economy measure. The Superintendent has proposed revival of these two posts. So far as the work of these Ledger Clerks is concerned, both the Study Teams have observed that it involves duplication and serves no

*Paragraph 27.10.

useful purpose. The Central Work Study Team suggested the use of a calculating machine for facilitating accounts work. The General Administration Department Work Study Team with which the other Study Team also concurred, considered the work of maintenance of a duplicate set of accounts unnecessary. The posts of Ledger Clerks are, therefore, redundant. It is unnecessary, therefore, to revive the retrenched posts. The office may be provided with a calculating machine and a trained person to operate it and thereafter the existing three posts may be abolished.

CHAPTER 37

THE DIRECTORATE OF MUNICIPAL ADMINISTRATION

37.1. The Directorate of Municipal Administration has been set up in pursuance of the provisions of the Maharashtra Municipalities Act, 1965 which came into force with effect from 15th June, 1966. Previously, the Divisional Commissioners were performing the functions and exercising the powers now vested in the Directorate. The divisional agency was created on the 1st November, 1956 because Government considered, *inter alia*, that the administrative requirements of the State such as the need for co-ordination, supervision and decentralisation made it necessary that a supervising, co-ordinating and inspection agency should be established at the divisional level. The Divisional Officers, who were later designated as Commissioners, were specifically charged with the responsibility of inspecting local bodies on the lines done by the Director of Local Authorities in the pre-reorganised State of Bombay. The Divisional Commissioners have now been relieved of these responsibilities.

37.2. The Director functions as a State level authority. He is responsible for seeing that the new Act is properly implemented by the 221 Municipal Councils in the State and for advising Government in regard to action required to be taken by it under the various provisions of the Act. He has also to perform several functions under the Act and is responsible for inspection of and exercise of budgetary control over Municipal Councils. The framers of the Act and the Legislature had evidently visualised that owing to his wide jurisdiction and the large number of councils to be supervised, the Director might not be able to perform his functions effectively and efficiently without the assistance of regional authorities and, therefore, provided for the appointment of Regional Director Municipal Administration in the Act.

37.3. While the Commissioners were relieved sibilities for the Municipal Councils under th

responsibilities of the Collectors for direct supervision and control continued on the lines of those previously in Western Maharashtra. In fact, in the Act, the Collector has been given further additional powers. Besides, while previously, the Collector was mainly a reporting agency to the Divisional Commissioner and the decisions were those of the Divisional Commissioner, under the present Act, within the ambit of his powers, it is the Collector who has to take the decision. Some of these decisions may be challenged in courts of law. The Collector is thus required to apply his own mind to a greater extent than before and this has resulted in casting an additional burden on the Collector.

37.4. The burden of the Director, a single authority at the State level, is clearly such that if the duties and responsibilities have to be properly discharged, it may be necessary, sooner rather than later, to create the regional organisation contemplated in the Act. In fact, the Director, Municipal Administration, in his report to me has considered the establishment of the regional agencies to be essential. Though the Directorate has been in existence for nearly four years, as many as 127 Municipal Councils out of a total of 221 have not so far been inspected by him. If, between the Regional Director and the State Director, the entire work could be handled and the Collectors relieved of their burden under the Act, the proposal for Regional Directors may have something to be said for it. But the Regional Directors are contemplated not to relieve the Collectors of their burden but to relieve the Director and to exercise and discharge his delegated powers and responsibilities respectively. In fact, no independent statutory duties are assigned to Regional Directors under the Act. The Act provides that each Regional Director shall, within his respective jurisdiction, be competent to exercise any of the powers and to perform any of the duties conferred and imposed upon the Director.

37.5. It is not clear whether the administrative implications of having a supervisory authority, such as a Regional Director, who would evidently be of about the same status as the Collector, if not lower, exercising supervisory and appellate functions over the work of the Collector, were considered while providing for such an arrangement. The Collector of a District is the highest and most responsible officer of Government representing Government in that District. A supervisory officer over the Collector must obviously be of a far senior rank such as that of Commissioner. If the Regional Directors are also to be drawn from the cadre of Collectors, it may happen that in particular cases, the Regional Director may be junior

to a Collector. It may even happen that an Officer not considered particularly suitable for discharging the responsibilities of the Collector may be considered suitable for appointment or be appointed as a Regional Director. If the Director cannot discharge all his duties and responsibilities without the assistance of Regional Directors, the question may well be asked what was the point in substituting the effective regional agency of Divisional Commissioners specifically created for this purpose by a State level authority functioning with the help of a duplicated regional organisation.

37.6. The creation of a new central authority by vesting in it the powers and functions which earlier vested, or could well be vested, in the Divisional Commissioners is a retrograde step in so far as it is not consistent with the principle of decentralisation and delegation of powers. Further, under the Act, powers are given to elected local bodies in respect of functions within their areas The measure was sponsored on the principle of democratic decentralisation. But simultaneously with such decentralisation, central control is retained. There may be no objection to some control ; in fact, some control, supervision and guidance may even be necessary for infant and adolescent bodies to enable them to function in a healthy manner. But such control, by and large, should be control of an administrative type which can be exercised by an independent executive authority in the light of the principles underlying and the provisions of the Act and the rules and policy directives received from Government. But, recently, the Director of Municipal Administration has also been made a Secretary to Government in the Urban Development, Public Health and Housing Department. This measure, while undoubtedly adding to the prestige of the Office of the Director, Municipal Administration, may perhaps give rise to criticism that the Director would not be functioning effectively as an independent executive authority in the cause of improved administration but would, in effect, be the mouth-piece of the Government and may take decisions for political reasons in regard to local bodies controlled either by the supporters of Government or by their opponents.

37.7. Further, the Act invests the State Government with powers of revision against orders passed, *inter alia*, by any officer subordinate to the State Government. The Director, Municipal Administration, is an officer subordinate to Government. The propriety, therefore, of appointing the Director also as Secretary seem n to question, since orders of Government are authentic formally issued "By order of and in the name of the Go

Secretary to Government or a Secretariat officer subordinate to him who is duly authorised for the purpose.

37.8. Elsewhere,* I have recommended that the executive functions of Government should be clearly separated from the Secretariat functions and the Executive Officers should not be given Secretariat status. In keeping with that recommendation, and for the reasons already stated, I recommend that the Directorate of Municipal Administration be abolished and the functions vesting in the Director be transferred to the Divisional Commissioners. This recommendation would involve amendment of the law.

37.9. If it is felt that, with increasing responsibilities, the burden on the Collectors and Divisional Commisioners is increasing day by day, the appropriate remedy for it would not be to create rival regional agencies in different fields of administration with a State level authority presiding over them, but to lighten the territorial charges of the Commissioners wherever they are particularly heavy by creating additional Divisions. Alternatively, the Commissioners could be given the assistance of a Deputy Commissioner in charge of Municipal Councils wherever the work is heavy. In other words, the Regional Director contemplated in the Act to assist the Director at the State level could well be appointed as the Commissioner's Deputy and work under his direct supervision and control.

37.10. The arrangement proposed by me would not only be convenient and rational from the point of view of Administration, but would also be a boon to those concerned with the actions of the Municipal Councils who wish to appeal or to represent against particular Municipal Councils or their actions to the appropriate authority. With the authority centralised at the State Headquarters, the aggrieved persons have to come all the way to Bombay incurring not only the extra cost of travelling but also the heavier cost of living in Bombay. Besides, since the Director has State-wide jurisdiction, he may well be on tour when these people from the mofussil areas come to meet him. In such cases, either they have to repeat the visit or they may have to stay on until the Director's return. The Director, Municipal Administration, himself mentioned to me that several such representationists including members of the Municipal Councils had expressed to him that it would have been far better if they were allowed to take up their grievances with the Divisional Commissioner in their own Division, as thereby they would be saving considerable amount of time, energy and money which they were required to spend to come to see the Director at Bombay.

*Paragraph 6.7.

CHAPTER 38

OTHER OFFICES

38.1. The organisation and working of the following offices under the administrative control of the several Departments of the Secretariat mentioned below has been examined and the existing staff of these offices is considered adequate having regard to the volume of work required to be handled by them, subject to what is stated in respect of some of the offices in the succeeding paragraphs.

I—General Administration Department—

(i) Secretary to the Governor of Maharashtra.

(ii) Comptroller of the Household to the Governor of Maharashtra.

(iii) Executive Editor and Secretary, Gazetteers Department.

(iv) Director of Relief and Rehabilitation, Chandrapur.

(v) Director of Cultural Affairs.

II—Education, Sports and Social Welfare Department—

(i) Administrator, Ulhasnagar Township.

(ii) Superintendent, Rehabilitation Production Centre, Ulhasnagar.

III—Finance Department—

Registrar of Firms.

IV—Food and Civil Supplies Department—

(i) Chief Accounts Officer and Deputy Secretary to Government, Food and Civil Supplies Department.

(ii) Controllers of Rationing, Bombay, Poona, Nagpur and Sholapur.

(iii) Director of Civil Supplies (Warehousing and Movement).

(iv) Supply Commissioner.

V—Home Department—

(i) Commandant General, Home Guards.

(ii) Director of Civil Defence.

(iii) Fire Adviser to Government.

(iv) Director, Forensic Science Laboratory and Chemical Analyser to Government.

(v) Director, Anti-Corruption and Prohibition Intelligence Bureau.

VI—Urban Development, Public Health and Housing Department—

(i) Competent Authority for Greater Bombay.

(ii) Controller of Hotels and Lodging Houses for Bombay City and Bombay Suburban District.

38.2. A post of Additional Private Secretary to the Governor was created in the Office of the Secretary to the Governor with effect from 21st November 1964 specially to accommodate an officer whose services were required by the Governor and who was brought on deputation from Madras. After the present incumbent returns to his parent Department when his services are no longer required by the Governor, the post of Additional Private Secretary to the Governor may be discontinued.

38.3. The staff position in the office of the Director of Relief and Rehabilitation, Chandrapur, is being reviewed by the State Government from time to time in consultation with the Government of India, which bears 50 per cent. of the cost of the staff engaged on Rehabilitation work and 100 per cent. of the staff engaged on Relief work. Recently, the activities of this organisation have increased substantially owing to a further influx of refugees from East Pakistan. A decision has recently been taken to absorb 5,750 more families in this State. In the circumstances, no change in the staff position is suggested.

38.4. The Office of the Chief Accounts Officer and Deputy Secretary to Government, Food and Civil Supplies Department, needs strengthening. It was noticed that, although the non-gazetted Class III staff has almost doubled in the course of the last nine years, the increase in the gazetted staff was only about 25 per cent. The departmental budget increased from Rs. 22 crores in 1960-61 to

Rs. 178 crores in 1967-68. The staff of the office has not increased commensurately with the increase in work due to monopoly procurement, rationing and running of fair price shops. The Department has proposed an increase of 8 posts in the cadres of Junior Accountants and Upper Division Clerks (4 posts of Junior Accountants and 4 posts of Upper Division Clerks) and a reduction of 4 posts of Lower Division Clerks. As regards the gazetted cadres, there are at present one Accounts Officer in the Maharashtra Finance and Accounts Service Class I (Junior) and seven Accounts Officers in the Maharashtra Finance and Accounts Service Class II. Having regard to the responsibilities of the different Accounts Officers, it is considered necessary that four of the eight Accounts Officers should be in the Class I (Junior) grade. The Department has, therefore, proposed the conversion of three Class II posts into Class I (Junior) grade posts. These proposals are eminently reasonable and I recommend them.

38.5. Before statutory rationing was lifted from Poona, Nagpur and Sholapur cities, the Food and Civil Supplies Department had reviewed the strength of staff of the Controllers of Rationing in the cities and carried out reductions. A detailed work study of the offices of the Controllers of Rationing, Bombay and Poona had also been carried out by a Work Study Team of the General Administration Department and the Food and Civil Supplies Department has implemented many of the recommendations of the Work Study Team. No further study of the Rationing Organisation in Bombay is considered necessary.

38.6. The Secretary, Food and Civil Supplies Department, has taken a personal review of the nature of work and the workload in the office of the Director of Civil Supplies (Warehousing and Movement) and the office of the Supply Commissioner and has come to the conclusion that the following additional posts are necessary in these two organisations:

Office of the Director of Civil Supplies (Warehousing and Movement)

Assistant Director	1
Superintendents	2
Senior Clerks	5
Junior Clerks	5

Office of the Supply Commissioner

Head Clerk	...	...	1
Senior Clerks	...	...	7
Junior Clerks	...	...	4
Junior Stenographer	...	...	1
Typist	...	...	1
Supply Inspectors	...	...	28
Peons	...	...	2

The aforesaid proposals for additional staff merit consideration.

38.7. In the Directorate of Civil Defence, a slight reduction in the Class IV staff of the Maintenance Unit has been effected in the course of the enquiry (namely, a post of sweeper has been reduced and a full-time post of sweeper has been converted into a part-time post). This is adequate.

Office of the Khar Lands Development Board (under the Agriculture and Co-operation Department)

38.8. A detailed work study of the office of the Khar Lands Development Board was carried out by one of the Work Study Teams allotted to me. The report of the Work Study has already been forwarded to the Secretary, Agriculture and Co-operation Department for further action. It has been recommended by the Team that as the Board has substantially achieved its target by covering over 90 per cent. of the area capable of being reclaimed, the Board may be wound up with effect from 1st April 1972 and the work of maintenance of the completed Khar Land works be transferred to the Zilla Parishads concerned after that date.

Directorate of Libraries (under the Education, Sports and Social Welfare Department)

38.9. The Directorate of Libraries has been recently set up and is still in a formative stage. It is, therefore, too early to consider the question of its reorganisation.

CHAPTER 39

CLASS IV STAFF

39.1. The Class IV staff of [illegible] (including [illegible]), malis, sweepers, etc. A [illegible] of [illegible] categories of staff cannot be [illegible] the case of [illegible] scale of allotment [illegible] from office to office.

39.2. [illegible] on officers [illegible] of [illegible] for the [illegible] seem to have [illegible] arrangement.

39.3. [illegible]

CHAPTER 40

SUGGESTIONS FOR SOME DEPARTMENTS AND OFFICES

40.1. As observed earlier* in this Part, in this Chapter, I shall deal with some executive departments and offices which have already come for scrutiny by other bodies and persons. My remarks are confined to suggestions not considered in the earlier scrutiny or relate to developments since.

THE REVENUE DEPARTMENT

40.2. *For the reasons indicated in the beginning of my report,* I do not propose to go into the question of the reorganisation of the Revenue administrative units and the staffing pattern of the Revenue offices. There are, however, a number of major issues concerning the working of the Revenue Department in the field which need consideration and it would be appropriate to deal with them.

The Role of the Collector in District Administration

40.3. The Collector has traditionally been looked upon in this country as the local representative of the 'Raj'. Two recent developments, viz., the separation of the Judiciary from the Executive and the establishment of Panchayati Raj institutions, have resulted in considerable erosion of the Collector's traditional power and authority. Nevertheless, people still look up to the Collector for the redress of all kinds of grievances, whatever be the nature or subject of the grievance, and the Collector continues to enjoy in their eyes the status of the representative of Government in the District. He is the target of the agitations led by opposition V.I.Ps.; the 'Morchas' lead to the Collectorate and that is the scene of 'Dharnas'. In times of local or general calamities like floods, famine, earthquakes, it is the Collector who takes instant charge of the situation and people look up to him for prompt help and remedial measures. Likewise, the Tahsildar at the taluka level and the Talati at the village level are looked

*Paragraph 21.1.

upon as local representatives of Government in their areas. Though historically the Collector started as a Revenue Officer when the Administration was centred around the collection of Land Revenue, the developments that have since taken place have overshadowed his role as a Revenue Officer and today he is principally the officer in charge of general administration in the District. It would, in fact, be more appropriate to call him a District Administrator or Collector and District Administrator.

40.4. With expansion in the activities of Government and increasing specialisation, there are Regional and District Offices of various Departments. The District Offices of Government will continue at least in those spheres where with democratic decentralisation the activities have not been taken over by the Panchayati Raj institutions If the Collector were also treated as a specialist in land revenue administration, as suggested by the Administrative Reforms Commission in its recommendations relating to the organisation of the Indian Administrative Service and other All-India and Central Services, it would logically lead to an administration which is vertically divided into water-tight compartments, where co-ordination may be feasible only at the Secretariat level. In my opinion, the time is not yet ripe for co-ordination at lower levels to be dispensed with. May be the need for such co-ordination will only disappear finally when the State itself withers away, as in the dream of some political philosophers. The short experiment of doing away with the Talati as the executive representative of Government at the village level which was tried with the introduction of Panchayati Raj institutions proved the futility of such measures. For the administration of its Food Policies, for essential work connected with the security of the country in the face of foreign aggression and other executive action, it was realised that Government must have its own official at the village level and the Talati was re-established, not for land revenue purposes alone, but as a multi-purpose executive agent of Government. If the Government cannot function at the village level without a multi-purpose agent like the Talati, it is not realistic to expect that it would function at the district level without an agency such as the Collector. A bridge collapses; several children die as a result of food poisoning; in such circumstances also, apart from general calamities referred to earlier, the people rush to the Collector for relief and redress. If the Collector is to function effectively as the representative of Government at the district level, it is necessary that he should be clothed with sufficient authority to be able to secure co-ordinatio
the different Departments of Government functioning

as also between them and local bodies and institutions. Moreover, apart from problems of co-ordination, new problems and situations of emergency constantly arise which may not fall within the purview of any of the specialised Departments of Government and which would have to be dealt with by some one who can act with the authority of Government. It is this role that the Collector has always played and will be increasingly called upon to play in the future. It has happened that with a forceful personality as Revenue Minister, the Collectors have on occasion been required to treat their functions as District Administrators in regard to other Departments as secondary to their duties as Revenue Officials. It is necessary that Government should make it clear once for all in unequivocal terms that the Collector is not merely a District Revenue Official but is the General District Administrator for Government whose role as Revenue Official is subordinate to his role as District Administrator. The following steps should be taken:

(1) The Collector should be designated as Collector and District Administrator.

(2) The other functionaries of the State in the district should be required to send monthly reports to the Collector and District Administrator regarding their activities, highlighting the difficulties and problems facing them in achieving their targets etc.

(3) The District Officers of other Departments should be required to send their tour programmes in advance to the Collector and District Administrator.

(4) The Collector and District Administrator should have a right to call for papers relating to any particular matter of interest from the other Departments and to record his views thereon. In case of disagreement between the Collector and District Administrator and the District Officer, the matter should be referred to the Commissioner or to Government for orders.

(5) The Collector and District Administrator should be at liberty to visit any Government office at any time for a surprise inspection.

(6) In respect of the confidential reports of the District Officers, the Reporting Officer should be required to submit his confidential report in original to his superiors and to Government through the Collector and District Administrator and no cognizance should be taken of any such reports which short-circuit the Collector and District Administrator.

(7) It should be made obligatory for District Officers to attend personally the co-ordination meetings convened by the Collector unless they obtain prior permission in writing to depute a representative for a particular meeting in exceptional circumstances.

40.5. I consider that the grant of following amenities is in order to enable a Collector and District Administrator to function effectively as the Principal Agent of Government in his District and to keep up this image:

(a) A paid driver and official car should be provided to the Collector and District Administrator to relieve him of the tasks of driving and parking the car in dealing with emergency situations.

(b) There should be a police picket, or at least a night guard at his residence. He is called upon to be on tour at odd hours and may sometimes become the symbolic target of the wrath of a person or body of persons against the State.

(c) That part of the Collector's bungalow which is used for receiving visitors and as office chamber should be properly furnished at Government expense.

(d) The garden of the bungalow of the Collector and District Administrator should be maintained by Government.

Increasing Burden on the Revenue Staff

40.6. I had requested the Collectors to review the working of their offices and offer suggestions for re-organisation. Almost all Collectors have complained that the workload of the revenue offices has increased enormously in recent years but adequate staff for dealing with this increase has not been sanctioned. One Collector has pointed out that even on the basis of the standard workload prescribed by Government and the present volume of work in the revenue offices, there is a case for increasing the number of posts of Aval Karkuns and clerks in his office and in the Taluka offices. There has been an enormous increase in the correspondence work in the Taluka and District offices on account of the greater social and political awareness among the people. A larger number of complaints is received than before. There is also a great increase in the work of recovery of Government dues other than land revenue, such as tagai, irrigation dues and bunding dues. There is also increase in litigation. Moreover, the revenue a
is subjected to strain on account of certain types o

as also between them and local bodies and institutions. Moreover, apart from problems of co-ordination, new problems and situations of emergency constantly arise which may not fall within the purview of any of the specialised Departments of Government and which would have to be dealt with by some one who can act with the authority of Government. It is this role that the Collector has always played and will be increasingly called upon to play in the future. It has happened that with a forceful personality as Revenue Minister, the Collectors have on occasion been required to treat their functions as District Administrators in regard to other Departments as secondary to their duties as Revenue Officials. It is necessary that Government should make it clear once for all in unequivocal terms that the Collector is not merely a District Revenue Official but is the General District Administrator for Government whose role as Revenue Official is subordinate to his role as District Administrator. The following steps should be taken:

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(c) That part of the Collector's bungalow which is used for receiving visitors and as office chamber should be properly furnished at Government expense.

(*d*) The garden of the bungalow of the Collector and District Administrator should be maintained by Government.

Increasing Burden on the Revenue Staff

has to handle at very short notice or on a priority basis, such as work in connection with natural calamities like floods, fires and earthquakes, scarcity, food and civil supplies, land reforms, elections, census and small savings. It is true that for some of these items of work additional staff has been given from time to time, particularly for food and civil supplies and tenancy work, but no such staff is given at the initial stage of the work with the result that the normal administration suffers and arrears accumulate. The additional staff given is withdrawn as soon as the volume of work is reduced and Government feels that the remaining work can be cleared by the normal staff, but it is forgotten that the accumulated arrears of normal work also require to be cleared by the same staff. The condition of these arrears discloses a very unsatisfactory position. The Record of Rights is not up-to-date. Record Rooms everywhere are in confusion. No attention is paid to the proper compilation of files and maintenance of the various registers. The disposal of cases, particularly those under the Land Revenue Code and Appeals, is inordinately delayed. Conversion to non-agricultural assessment has fallen into arrears. No attention is paid to enforce the conditions subject to which lands are granted or held or to detect transfers in violation of the restrictions imposed by Government.

40.7. Considerable decentralisation of Government's functions has taken place in recent years, but such decentralisation is accompanied simultaneously by controls reserved to Government which operates through the Commissioner and the Collector to see whether the authorities at lower levels are functioning properly. The additional work devolving on the Collector as a result of the new legislation introduced in recent years does not appear to have been carefully evaluated and provided for by means of additional staff to enable the Collector to do justice to his new functions and responsibilities. For example, under sections 306 to 309 of the Maharashtra Municipalities Act, 1965, various powers of inspection, supervision and control have been vested in the Collector. Similarly under the new Co-operative Societies Act, the Collector has to arrange for the elections of office bearers of major Co-operative Societies in the district.

40.8. Considerable time of the Revenue officers is also lost in Protocol work. In spite of general orders intended to minimise such work, a good deal of time of Revenue officers is spent only in accompanying Ministers and dignitaries. Scrupulous adherence to the instructions may lead to unpleasantness if not wrath in higher

quarters. As a result, the disposal of cases by the Collector, the Sub-Divisional Officer or the Tahsildar is much below the expected standard and they are also not able to do the prescribed touring, particularly night halts.

40.9. It is, therefore, necessary that the Revenue offices should be adequately staffed to enable them to cope with their multifarious duties so as to leave no backlog of arrears. Government has taken a decision to reorganise the branches of the Collectorate and published the Manual of Office Precedure. The procedure prescribed in the Manual has been partly brought into effect from January 1967. It is still to be implemented in regard to certain items, particularly Registry, and arrangement and storage of closed cases in the record room. The Manual contemplates dividing the Collector's office into branches according to the workload, each branch headed by a Tahsildar and consisting of 2 Aval Karkuns and 4 Junior Clerks. It is necessary that additional staff is sanctioned to enable the Collectors to organise their offices on the lines laid down in the Manual. It will also be necessary to divide the Tahsildar's office into branches, each consisting of an Aval Karkun or a First Grade Clerk and 6 Junior Clerks.

40.10. The Collectors in the Vidarbha Districts have asked for a First Grade Clerk for the Sub-Divisional Officers At present only 2 Junior Clerks are given to them while in Western Maharashtra the Sub-Divisional Officers have 2 Aval Karkuns and 3 or 4 Clerks. It is necessary to strengthen the Sub-Divisional Officers' offices in Vidarbha.

40.11. The volume of land acquisition work has increased all round on account of the various plan projects and particularly the scheme of acquisition of land for the extension of village gaothans. As the Sub-Divisional Officer has various administrative duties to perform, it would not be fair to saddle him with land acquisition work, except to the extent necessary to enable him to keep in touch with this type of work. Special staff should, therefore, be appointed for all land acquisition work in a district whenever the workload is sufficient to justify the appointment of a full-time Land Acquisition Officer.

40.12. The number of days prescribed for touring for the Sub-Divisional Officer, Tahsildar and Collector at present is excessive. The volume of correspondence which they have to handle is much larger than before and the work in their offices is also in an unsatisfactory state. It is, therefore, recommended that a Tahsildar a Sub-Divisional Officer should not be required to tour fo

than 150 days in a year and a Collector, for more than 100 days. These standards could be reviewed after the work in their offices is brought up to a satisfactory level. In districts where communications are still difficult, these officers should be encouraged to undertake tent touring and halt in remote, inaccessible villages not adequately provided with Government Rest-houses. Government tents should be provided for the purpose and the cost of transport of the tents and expenses of pitching the tents should be borne by Government. The present tentage allowance is too inadequate to meet the expenses and could be simultaneously abolished.

40.13. If the Collector is the District Administrator, the Talati works as the Collector's man in the village and, therefore, revenue work is not the only legitimate work of the Talati (as Talatis' Associations have been claiming). The workload of the Talatis has no doubt increased considerably in recent years. The question of giving them a manageable saja is already under the consideration of a Committee as stated earlier*. But I shall refer to the provision of a necessity. Several Collectors have stressed the desirability of providing residential quarters for Talatis so that they might live in their jurisdiction. In areas where residential accommodation cannot be hired, one cannot expect the Talati to stay in the saja unless residential accommodation is provided for him. The former practice of the Talati enjoying the hospitality of the Revenue and Police Patil cannot be encouraged. In many places, the Talatis do not even have an office room to function from. A modest hut with an office room or enclosed verandah of a suitable size which can be used as an office room must be provided in every saja for the Talati.

Training of Revenue Staff

40.14. Want of trained and experienced staff is an acute problem for the District Administration. Whenever additional staff is sanctioned, the posts are filled by promotion of Talatis, Junior Clerks and Aval Karkuns as the case may be, irrespective of whether they have the requisite training or experience to perform their duties. Ultimately the vacancies are filled by recruitment of fresh staff at the lowest level, viz., at the level of Junior Clerk and Talati. Persons recruited to these posts from the open market are straightaway placed on the job, without any training in the basic elements of revenue law, tenancy law, record of rights, maintenance of tagai and other accounts and such other duties. In result, they are unable

* Paragraph 1.20.

to dispose of even half the work expected of them, though Government expects a standard disposal of work as soon as the additional staff is sanctioned. As stated earlier, the revenue administration has also to face some work or other of an immediate nature, arising from natural calamities, law and order situations, etc.

40.15. It is, therefore, necessary to provide some cushion to absorb such sudden increases in work. The extent of increase may be estimated at about 10 per cent. of the normal work, subject to marginal adjustments in the cases of individual districts. This may be provided in the shape of a 10 per cent. reserve which may serve both as a cushion and a training reserve.

40.16. A Tahsildar may be appointed in every district to train the persons recruited to the 10 per cent. reserve. The training should include field training on the job as well. Similarly, at the Divisional level there should be a Training Institution for intensive training of Aval Karkuns to equip them for the higher posts of Naib Tahsildar, and for refresher courses for Naib Tahsildars and Tahsildars. The Institute should also offer facilities for training in special types of work such as tenancy, land acquisition, tagai, etc. It is also desirable that there should be a combined cadre of Talatis and Clerks for whom the minimum qualification may be the Secondary School Certificate.

Recoveries of Government Dues of Other Departments

40.17. The work of recovery of Government dues arising in other Departments of Government has been entrusted to the Revenue Department. A suggestion made was that the Revenue Department should be relieved of such recoveries and that these should be left to the Department concerned, as has been done in the case of the Co-operative Department. I am unable to accept this suggestion Recovery is a proper function of the Revenue officers and should remain with the Revenue Department for the following reasons:

(i) In the first place, if different authorities are vested with the power of recovery, they would compete with each other and such competition may give rise to conflict in effecting recovery from the same assets. If the assets are in the form of immovable property, the auction of the property would necessarily have to be made by Revenue officers. In the mofussil, the other assets [illegible] be domestic utensils or essential items of jewellery worn [illegible] person which cannot be attached, or standing crops. [illegible] therefore, generally made mostly from [illegible]

agencies are authorised to effect the recovery, there would be rivalry between different wings of the same administration. In urban areas, the debtors in respect of different kinds of Government dues generally happen to be the same persons in 90 per cent. of the cases. For instance, it may be found that the same party owes income tax, sales tax, central excise, municipal taxes, employees' contributions under the Provident Fund Scheme or Employees' State Insurance Scheme recovered but not paid into the Fund, etc. It is not desirable or practicable to expect these different authorities to effect coercive recoveries.

(ii) Further, Government assumes the responsibility in a welfare State to recover dues on behalf of employees or workers. For example, the recovery of the amounts awarded under the Payment of Wages Act or Workmen's Compensation Act is heavily in arrears. These amounts are being recovered by Government from the employers on behalf of the workers and are to be paid to the latter. It is not feasible to entrust the work of recovery to the Commissioner for Workmen's Compensation, as he performs judicial functions and is not concerned with recovery, nor can the Assistant Commissioners of Labour or Conciliation Officers in the Labour Department be authorised to effect the recoveries, as the functions of these officers are to effect conciliation and ensure industrial peace. The concept of each Department recovering its own dues, therefore, breaks down in such cases.

(iii) It may also be mentioned that in the past when posts of Special Recovery Officers were created, officers from the Revenue Department were invariably appointed in order to see that they acted as a liaison between the Revenue Department and the Department concerned. It is also reported that some years ago, when a Special Recovery Officer was appointed for recovering potato dues in certain Talukas, he created a problem for the Mamlatdars and he had to be asked to sit in the Collector's office so that his programme of recoveries did not clash with that of the Revenue officers.

The Revenue Department should, therefore, continue to be responsible for the recoveries of dues of other Government Departments. The present heavy arrears reported by several Collectors are mainly due to the inadequacy of the staff employed on recovery work. Efforts should, therefore, be made to sanction adequate staff for this work, especially where it is found that arrears have accumulated.

Improvement of Revenue Procedures

40.18. Certain time-honoured procedures followed by the Revenue Department in regard to certain items of work seem to call for revision. These are dealt with in the following paragraphs

Grant of Non-Agricultural Permission under the Maharashtra Land Revenue Code

40.19. (i) As per provisions of the Maharashtra Land Revenue Code, 1966 and the Maharashtra Land Revenue (Conversion of use of land and non-agricultural assessment) Rules, 1969, prescribed thereunder, permission is required for conversion of use of land from one purpose to another. Rule 3 of the Maharashtra Land Revenue Rules, 1969, specifies the form in which such permission may be applied for. Under section 44 (*3*) of the Code, the Collector is required to give a decision on an application for conversion within 90 days from the receipt of the application. After due enquiries, he may either grant permission or refuse it.

(ii) The sanctioning authority, that is, the Collector or the subordinate Revenue officer to whom the power may be delegated by the Collector, usually obtains a report from the Circle Inspector concerned. The Circle Inspector is expected to verify the particulars given in the application by making an on-the-spot enquiry. In areas covered by the metropolitan regions of Bombay, Poona and Nagpur, the applications are also referred to the town planning authority as per instructions contained in Government Resolution, Revenue and Forests Department, No. NAA-1069/2543-C, dated the 6th February 1970.

(iii) On receipt of the remarks of the Circle Inspector and the town planning authority, the competent authority decides whether permission should be granted or refused. The sanction for conversion is invariably subject to various conditions prescribed in pursuance of Rule 4 of the Maharashtra Land Revenue Rules, 1969.

(iv) The spot enquiries by Circle Inspectors delay sanctions and give scope for corruption. Nevertheless, while admitting that these enquiries delay sanctions and cause hardship to the public, such enquiries are sought to be justified on the following grounds:

(*a*) A person may apply for non-agricultural permission after making construction on his plot, not observin even the building regulations.

agencies are authorised to effect the recovery, there would be rivalry between different wings of the same administration. In urban areas, the debtors in respect of different kinds of Government dues generally happen to be the same persons in 90 per cent. of the cases. For instance, it may be found that the same party owes income tax, sales tax, central excise, municipal taxes, employees' contributions under the Provident Fund Scheme or Employees' State Insurance Scheme recovered but not paid into the Fund, etc. It is not desirable or practicable to expect these different authorities to effect coercive recoveries.

(ii) Further, Government assumes the responsibility in a welfare State to recover dues on behalf of employees or workers. For example, the recovery of the amounts awarded under the Payment of Wages Act or Workmen's Compensation Act is heavily in arrears. These amounts are being recovered by Government from the employers on behalf of the workers and are to be paid to the latter. It is not feasible to entrust the work of recovery to the Commissioner for Workmen's Compensation, as he performs judicial functions and is not concerned with recovery, nor can the Assistant Commissioners of Labour or Conciliation Officers in the Labour Department be authorised to effect the recoveries, as the functions of these officers are to effect conciliation and ensure industrial peace. The concept of each Department recovering its own dues, therefore, breaks down in such cases.

(iii) It may also be mentioned that in the past when posts of Special Recovery Officers were created, officers from the Revenue Department were invariably appointed in order to see that they acted as a liaison between the Revenue Department and the Department concerned. It is also reported that some years ago, when a Special Recovery Officer was appointed for recovering potato dues in certain Talukas, he created a problem for the Mamlatdars and he had to be asked to sit in the Collector's office so that his programme of recoveries did not clash with that of the Revenue officers.

The Revenue Department should, therefore, continue to be responsible for the recoveries of dues of other Government Departments. The present heavy arrears reported by several Collectors are mainly due to the inadequacy of the staff employed on recovery work. Efforts should, therefore, be made to sanction adequate staff for this work, especially where it is found that arrears have accumulated.

Improvement of Revenue Procedures

40.18. Certain time-honoured procedures followed by the Revenue Department in regard to certain items of work seem to call for revision. These are dealt with in the following paragraphs

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(iv) The spot enquiries by Circle Inspectors delay sanctions and give scope for corruption. Nevertheless, while admitting that these enquiries delay sanctions and cause hardship to the public, such enquiries are sought to be justified on the following grounds:

(a) A person may apply for non-agricultural permission after making construction on his plot, not observing even the building regulations.

torily operative, it will be for the sanctioning authority to ensure conformity with the plans on the basis of the notified plans without the applications being required to be referred to the planning authority.

(xii) The considerations specified at item (ix) (c) relate to observations of building regulations. This matter has been dealt with earlier in sub-para (v).

(xiii) It is thus clear that, for the purpose of ascertaining the circumstances in which permission may have to be refused, it is not necessary to carry out a spot enquiry in every case. It is, therefore, recommended that a spot enquiry should be dispensed with except in cases where the applicant wants to build structures for non-residential purposes. Even in such cases, spot enquiries would not be necessary where development plans exist, as such plans would indicate the areas reserved for commercial and industrial construction.

(xiv) Besides spot enquiries, there are two other items which too can be dispensed with :

(*a*) In municipal areas, the Collector usually sanctions a lay-out without at the same time giving permission for non-agricultural use. The permission for non-agricultural use is sanctioned subsequently on the basis of the plan of the structure proposed to be constructed on each individual plot.

(*b*) When permission for non-agricultural use is sanctioned with reference to the plan for a particular structure, no alteration therein is allowed without the permission of the Collector.

(xv) In municipal areas, the primary responsibility for ensuring conformity with the plan for land use and building regulations would be that of the municipality. Therefore, it should not be necessary for the Collector to sanction the lay-out at all. He may sanction permission for non-agricultural use only on the basis of a lay-out approved by the municipal authority. It should be presumed that the municipality will regulate building construction as per approved plans and regulations and will not depend on the Collector for the enforcement of plans for land use and building regulations. The duplication resulting from the Collector first sanctioning only the lay-out and then giving permission for non-agricultural use on the basis of the building plan, results in delay and inconvenience to the public and widens the scope for corruption. It would, therefore, be desirable to eliminate this duplication by

clearly stipulating that in municipal areas the revenue authorities may rely on the municipal authorities for the enforcement of plans for land use and building regulations and that they may deal with applications for permission for non-agricultural use only with reference to the other considerations specified in the relevant sections of the Maharashtra Land Revenue Code and the Maharashtra Land Revenue Rules.

(xvi) As regards additions and alterations to the approved plan of a structure, it is clearly for the municipal authority to ensure that the building regulations are observed. Once permission for non-agricultural use has been granted by the revenue authority with reference to a plan, it should not be necessary for the applicant to approach the revenue authority again because he proposes to change the plan. For any changes in the plan, he should be required to obtain the approval of the municipal authorities only.

Grant of permission under Section 63 of the Bombay Tenancy and Agricultural Lands Act, 1948

40.20. (i) Section 63 of the Bombay Tenancy and Agricultural Lands Act bars transfer of land to non-agriculturists except with the permission of the Collector. This is to be granted only on the basis of conditions laid down in Rule 36 of the Rules framed under the Act. No application form for permission under section 63 of the Bombay Tenancy and Agricultural Lands Act has been prescribed. Applications are made with court fee stamp of 65 paise along with (i) Consent letter of the owner/Request letter of the purchaser, (ii) Copy of extract from Village Form VII—XII, (iii) Rough Plan of the Survey No., if only a portion of S/No. is to be sold. According to the procedure followed in the Thana District, such applications are disposed of without sending them to the Tahsildars for enquiry. In Poona District, however, the applications are forwarded to the Tahsildar concerned for enquiry and report. The object of the enquiry is to ascertain the following points:

(1) Situation of the land—whether or not in the municipal limits or within a belt of 2 miles from the municipal limits;

(2) Whether or not there is a tenant on the land;

(3) Whether the total holding of the intending seller is within the prescribed ceiling under the Ceiling Law;

(4) Whether there are any Government encumbrances or dues of any society;

(5) Purpose of the intending purchaser;

(6) *Bona-fide* requirements of the purchaser.

(ii) The conditions mentioned in Rule 36 are as follows :

(*a*) such a person *bona fide* requires the land for a non-agricultural purpose, or

(*b*) the land is required for the benefit of an industrial or commercial undertaking or an educational or charitable institution, or

(*c*) such land being mortgaged, the mortgagee has obtained from the Collector a certificate that he intends to take to the profession of an agriculturist and agrees to cultivate the land personally, or

(*d*) the land is required by a Co-operative Society, or

(*e*) no agriculturist in the village in which the land is situated who holds lands less than the ceiling area or no agricultural labourer in such village is prepared to take the land on lease from the owner, or

(*f*) the land is required for cultivating it personally by a person, who, not being an agriculturist, intends to take to the profession of agriculture and to whom the Collector, after having regard to the order of priority mentioned in clause (c) of sub-section (2) of section 32-P, has given a certificate that such person intends to take to the profession of agriculture and is capable of cultivating land personally, or

(*g*) the owner of the land has complied with the provisions of section 64,

(*h*) such land is being sold in execution of a decree of civil court, or for recovering arrears of land revenue or any sums recoverable as arrears of land revenue under the provisions of the Bombay Land Revenue Code, 1879, and no agricultural labourer or agriculturist holding land less than the ceiling area is prepared to bid at such sale, or

(*i*) such land is being given in gift whether by way of trust or otherwise, and such gift is made *bona fide* by the owner in favour of a member of his family.

(iii) In regard to conditions (*a*), (*b*), (*c*), (*d*) and (*f*) the Collector is required to determine whether the purchaser fits into one of the categories mentioned therein. The enquiry relates only to the *bona fides* and character of the purchaser and is in no way connected with the seller. In respect of conditions (*e*), (*g*), (*h*) and (*i*) the enquiry concerns the seller and aims at finding out whether an agriculturist or agricultural labourer, having land less than the ceiling area, is prepared to take the land on lease, or whether the

seller has followed the procedure prescribed under section 64 or the land is being sold in execution of a decree or for recovering arrears of revenue, or the land is being given in gift, etc.

(iv) Turning first to cases where enquiry must relate to the character and *bona fides* of the purchaser, information will only be necessary as to who is the purchaser and what the said land is required for. For this purpose information on only items 5 and 6 in sub-para (i) is necessary. A Circle Inspector is not in a position to verify the *bona fides* of the applicant, but is only able to take his statement. This point was discussed with the Collector, Poona who conceded that as the Circle Inspector relies merely on the declaration of the purchaser, it cannot be said that the spot enquiry serves any useful purpose. The Collector suggested that the applicants may be required to make an affidavit on these points so that spot enquiry can be dispensed with. I agree with the suggestion.

(v) Information on points 2, 3 and 4 in sub-para (i) is not necessary for the provisions of section 63 of the Act when the permission is to be given with reference to conditions (*a*), (*b*), (*c*), (*d*) and (*f*) mentioned in sub-para (ii). This information has limited use in enforcing certain provisions of the Tenancy Act, Ceiling Act and Co-operative Societies Act. By using this section to enforce other miscellaneous objectives, considerable delay and scope for corruption are introduced. These delays affect the rapid development of industry and commercial activity and in the long run impede the implementation of development programmes. There are adequate powers under the existing provisions of the Tenancy Act, the Ceiling Act, and the Co-operative Societies Act to enforce the provisions of those Acts. Moreover, since only a small proportion of agricultural land is being purchased under section 63, this enquiry will serve a very marginal role in implementing the provisions of the said Acts.

(vi) The permission under section 63 merely enables the purchaser to purchase certain land but in no way binds the seller to sell the land Whether or not the seller is willing to sell the land need not be considered. A purchaser will not normally take the trouble of obtaining permission unless he has some reason to believe that the seller will sell him the land and no enquiry on these points is necessary. At worst, the permission may be infructuous.

(vii) Even after a person has purchased the land, he is separately required to obtain non-agricultural permission in case the land is proposed to be used for a non-agricultural purpose. Where the land

falls within a town or regional planning area, the said application should be examined with reference to the appropriate plan. Where the plan has been finalised, such examination should be carried out by the officer competent to sanction non-agricultural permission under section 44 of the Land Revenue Code on the basis of the published plan. Only where the plan is yet to be finalised, would it be necessary to make a reference to the planning authority. Such a procedure is necessary so as to ensure that once the permission is granted under section 63 and the applicant is subsequently able to negotiate the purchase of the land with the seller, he will be able to use the land for the purpose indicated in his original application.

(viii) In all such cases, therefore, no spot enquiry would be necessary. The applicant would be expected to make an application giving his name, the purpose for which he proposes to utilise the land and his actual requirements. This could be given in the form of an affidavit along with any supporting evidence that may be available. Where an industrial licence has been granted or the Co-ordinating Committee of the Industries Department has cleared the location in consultation with the regional planning board in areas covered by the regional plans, this evidence itself would normally be quite adequate for the grant of permission under section 63.

Permission for removal of quarry material under the Minor Mineral Extraction Rules and grant of Licence under the Explosive Rules to carry out blasting operations

40.21. (i) Permission is required from the competent officer before one can quarry the land, either his own or some one else's. This permission is required under Rule 29 of the Bombay Minor Mineral Extraction Rules, 1955. The permits are granted subject to the conditions relating to the matters detailed in Rule 32. The enforcement of this provision is necessary to enable Government to determine the quantity of material actually excavated and ensure that royalty required to be paid is actually paid by the party concerned. At present the Tahsildars and Sub-Divisional Officers are authorised to grant permits up to 100 brass and 1,000 brass respectively. The powers of granting permits for quantities in excess of 1,000 and up to 10,000 brass are with the Collector. Every application for quarry permit is required to be accompanied, along with other particulars as mentioned under Rule 30, by a description of the lands from which the minor mineral is to be extracted and removed and by certified copies of the relevant extracts of the Record of Rights in respect of the land (i.e., from Village Forms VII—XII).

(ii) Before granting permission, enquiries are made through the circle staff. The objectives of the enquiry are:

(*a*) to verify the situation of land;

(*b*) to ascertain the scope for extraction from the specified spot/ land;

(*c*) to verify the ownership of the land; and

(*d*) to verify whether the extraction operations would damage the nearabout roads, ways or be harmful to the surrounding buildings, if any, etc.

The aforesaid procedure lays emphasis on spot enquiry by the Circle Inspector before permission is granted, checking of day to day excavation by the Talati, etc. Since royalties can amount to a very large figure, such checking gives scope for corruption to those charged with it.

(iii) The purposes of the spot inspection have been indicated in the preceding sub-para. The ownership of the land would be determined on the basis of an extract of VF-VII/XII without requiring a spot inspection. Spot enquiry may also not be necessary to verify the situation of the land or whether it would damage nearabout roads, ways, etc. when it can be verified, *prima facie*, by an examination of the said site on the basis of the concerned village map which indicates all routes. In an urban area it may, however, be desirable to continue the spot inspection in view of the large number of buildings and the large proportion of built up areas. There is also no need to ascertain the scope for extraction since the applicant can be expected to satisfy himself about this point before he puts in an application. In case the scope is extremely limited, the application will merely be infructuous.

(iv) Spot inspection is necessary not so much for the purposes indicated previously but to determine the physical shape of the land proposed to be excavated so as to enable the subsequent rough measurement of the land actually excavated. The spot inspector should, therefore, furnish a sketch indicating existing excavation if any and mention whether the land is flat or slopy etc., so as to facilitate subsequent assessment of the actual excavation.

(v) The present procedure provides for grant of permission by various categories of officers depending upon the quantity of material proposed to be excavated. In practice, the lower officers suitably adjust the number of permits issued to an applicant so that each remains within his competence. It would, therefore, be desirable that only one class of officers grants these . I

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(viii) In all such cases, therefore, no spot enquiry would be necessary. The applicant would be expected to make an application giving his name, the purpose for which he proposes to utilise the land and his actual requirements. This could be given in the form of an affidavit along with any supporting evidence that may be available. Where an industrial licence has been granted or the Co-ordinating Committee of the Industries Department has cleared the location in consultation with the regional planning board in areas covered by the regional plans, this evidence itself would normally be quite adequate for the grant of permission under section 63.

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The aforesaid procedure lays emphasis on spot enquiry by the Circle Inspector before permission is granted, checking of day to day excavation by the Talati, etc. Since royalties can amount to a very large figure, such checking gives scope for corruption to those charged with it.

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(iv) Spot inspection is necessary not so much for the purposes indicated previously but to determine the physical shape of the land proposed to be excavated so as to enable the subsequent rough measurement of the land actually excavated. The spot inspector should, therefore, furnish a sketch indicating existing excavation if any and mention whether the land is flat or slopy etc., so as to facilitate subsequent assessment of the actual excavation.

(v) The present procedure provides for grant of permission by various categories of officers depending upon the quantity of material proposed to be excavated. In practice, the lower officers suitably adjust the number of permits issued to an applicant so that each remains within his competence. It would, therefore, be desirable that only one class of officers grants these permits. It is

suggested that all permits should be granted by the Tahsildar. The spot enquiry at the time of application should, however, be conducted by the Circle Inspector, if the application is for 100 brass and by the Tahsildar in the case of quantity in excess of 100 brass. The purpose of requiring the Tahsildar himself to carry out the spot inspection would be to ensure that in preparing the sketch and taking measurements in the case of permits for large quantity, undue discretion is not left to the Circle Inspector.

(vi) It is quite impossible for the Talati to carry out the day to day checks on the quantity of material being excavated. Moreover, it is undesirable to expect the applicant to pay the complete cost of material proposed to be excavated in advance. Government has adequate powers to recover royalties which are not paid by using the normal process provided for under the Land Revenue Code. It is, instead, suggested that the applicant may be expected to place a deposit with the Sub-Divisional Officer at the time of the application, the said deposit being the royalty for 10 per cent. of the proposed excavation. The applicant may be required to send a monthly statement indicating the amount of material actually excavated and a copy of the challan indicating that the royalty for the said amount has actually been credited to the Government. The Tahsildar should be required periodically to check the correctness of these reports by visits to the quarries concerned. Such checks should be invariably carried out at least once a year before renewal in the case of all quarries.

(vii) The powers for granting licence under the Explosives Rules, 1940, for carrying out blasting operations are with the Collector only. As in the case of quarry permits, the enquiry report is called for from the Tahsildar concerned in this case also. The object of enquiry in both the cases is the same. The applicant who has been granted quarry permission and who wants to carry out blasting operations for the purpose has, however, to approach the authorities twice: first the Tahsildar/Sub-Divisional Officer for quarry permit and then the Collector for the blasting licence. It is recommended that the power to grant licence for carrying out blasting operations should also be delegated to the Tahsildar so that both the permits could be issued to the applicants simultaneously. It would be convenient for the applicants and would also eliminate duplication of enquiry.

THE POLICE DEPARTMENT

40.22. The working of the Police Department has come in for examination at the hands of several bodies and experts, viz., the

Officer on Special Duty (Retrenchment), Shri Mathrani, in 1950-51, the Scriptory Committee and the Police Man Power Committee appointed by the Inspector General of Police in 1958 with the approval of Government, and the Maharashtra State Police Commission appointed by Government in 1962. Government has also considered the recommendations of these bodies and issued orders (except in the case of the Scriptory Committee, which is referred to later) giving effect to the recommendations accepted. In view of the appointment of the Police Commission, the Administrative Reorganisation Committee did not consider it necessary to study the activities of the Police Department and has made no specific recommendations in respect of this Department It was agreed at the commencement of the present Enquiry that ordinarily yardsticks proposed by earlier Commissions, Committees and experts may be adhered to. It is, therefore, proposed in this chapter to deal with certain aspects of the working of the Police Department which have not come under the scrutiny of the earlier Committees etc. or in respect of which orders on the recommendations made by the Committees have not been passed by Government.

District Executive Force

40.23. The allotment of staff for executive duties in all the Districts has been made on the basis of yardsticks prescribed by the Police Man Power Committee. As a result, the Executive Strength has been readjusted by the creation of additional posts in some of the Districts and reduction of posts in some others. The strength in most Districts has increased subsequently, but such increase has been sanctioned specifically on account of reorganisation of Police Stations or creation of new Police Stations, etc. The Police Commission was satisfied with the yardsticks recommended by the Man Power Committee as modified by the Inspector General of Police and found no scope for reduction in the strength of the Police Force. It has recommended review of the yardsticks every ten years, but Government has not accepted that any specific period should be prescribed for such review. A review after a lapse of a sufficient period during which new factors and circumstances may have arisen is, however, desirable.

40.24. The strength of the Armed Constabulary was increased considerably after the declaration of the Emergency following the Chinese aggression. This strength was, however, reviewed after the withdrawal of the Emergency and about one-third of the strength was retrenched in 1969. Apart from the District Armed strength, there are the State Reserve Police Force Groups, of which

there were 4 prior to 1962. Between October 1962 and January 1968, three additional Groups were sanctioned to cope with the increasing law and order problems and by way of reserves to make up for the deputation of State Reserve Police Force battalions to the border areas. After the large scale disturbances in Bombay City in February 1969, the law and order situation in the entire State was reviewed and Government sanctioned an additional State Reserve Police Force Group to be stationed in Greater Bombay in April 1969. It would appear, however, that it has not been possible so far to carry out a study of the various units of the State Reserve Police Force Groups in order to ascertain the extent of maximum, normal and minimum utilisation of these units and the scope for their readjustment. The Inspector General should be requested to carry out such a review which can also take into account the projected requirements in so far as it is possible to make reasonable anticipations.

Executive Force in Greater Bombay

40.25. The Police Stations in the Northern part of Greater Bombay, which came over with the enlargement of the limits of Greater Bombay, have been reorganised on the basis of the Man Power Committee's yardsticks, but those in the Southern and Central parts of Greater Bombay which inherited the set-up of the old Bombay City Police Force have not been so reorganised, though *ad hoc* additions to their strength have been made whenever found necessary.

40.26. The Police Commission has observed that there are no yardsticks for Bombay City and that a Committee of senior officers from the State which may include some Deputy Commissioners of Police should be appointed to go into the question of prescribing yardsticks for Bombay City. The Inspector General of Police's attention was drawn to the need for setting up such a Committee. He reported that he had submitted proposals to Government in this behalf. Government has since set up in May 1970 a Committee under the chairmanship of the Commissioner of Police, Greater Bombay, to prescribe yardsticks for the Greater Bombay Police. This Committee has also been asked to review the yardsticks prescribed for the District Police.

40.27. There is one aspect of the Greater Bombay Police Wireless Section which calls for comment. The staff of this Section has been sanctioned generally on the basis of the recommendations of the

Technical Standards Committee appointed by the Government of India in 1959, which has laid down yardsticks for provision of staff for a city wireless grid. There is, however, a category of Radio Telephony Police Constables, numbering 125, in the Police Wireless Section which is not provided for in the staffing pattern recommended by the Technical Standards Committee. In respect of certain other categories, the staff of the Section is also less than that prescribed by the Committee. It is necessary to examine whether the full standard-wise staff as per recommendations of the Technical Standards Committee would not be more economical than the present pattern. The Inspector General of Police was requested to review the position. He has reported that the Commissioner of Police, Bombay proposes to appoint a departmental committee to examine the question of Radio Telephony Constables. It is understood that this question will be looked into by the Committee referred to in the preceding paragraph.

Ministerial Staff

40 28. The Scriptory Committee which reported in 1960 has made a number of recommendations for the reorganisation of scriptory work in the Police Department and has proposed yardsticks of staff for Police Offices. It appears that Government intended to consider these recommendations after having a further study carried out of the actual working of a few Offices in the different regions of the State, as it was felt that there was scope for reducing the burden of scriptory work in the Police Offices and Police Stations by introducing revised office procedures. The Home Department has since carried out O & M inspections of Police Offices in a number of Districts and proposes to carry out such studies in some more Districts so as to have a fair sample of the different types of Police Offices. The results of these studies should go a long way in improving procedures of work in Police Offices. The Inspector General of Police has submitted to me that the clerical staff in his Department "has remained most inadequate even though there has been phenomenal increase in the strength of the executive force during the past decade". He had submitted proposals to Government in 1960 for increase in the ministerial staff on the basis of the yardsticks recommended by the Scriptory Committee with certain modifications, but these proposals have not been proceeded with in view of the financial stringency. On the contrary a retrenchment of 85 Junior Grade Clerks and 2 Head Clerks in the Department was carried out with effect from 1st April 1966 as a part of the general retrenchment ordered in October 1965.

40.29. The studies so far carried out by the Organisation and Methods section of the Home Department have also revealed that there are heavy arrears of work in the Offices of the District Superintendents of Police, particularly in the Accounts Branch, due to defects in the staffing pattern of these Offices. Both the District Superintendent of Police and the Home Inspector are mostly occupied with executive matters and there is no ministerial officer of sufficiently high status for effective supervision of the Office. In order to ascertain the correct position in this regard and with a view to devising yardsticks for scriptory work in the light of the present state of work in District Police Offices, a brief work study of the office of the District Superintendent of Police, Nasik was made by one of the Work Study Teams. The main conclusions of the study are set out below.

40.30. While the need for increase in the executive strength of the Police Force has been met to a considerable extent, no corresponding or commensurate increase in the ministerial staff of the Police Department has been sanctioned. The strength of the Police Force in Nasik District increased from 1,847 in the year 1946 to 2,379 in 1969, while the reported crime (classes I to V) increased from 1,822 to 2,720 in that period. But there has been no increase in the clerical staff of the District Superintendent of Police's Office over the last 23 years, except for two posts of Stenographers sanctioned for the Superintendent of Police and the Additional Superintendent of Police. In order to cope with the work, the District Superintendent of Police's office resorts to the practice of drafting Constable Writers to assist the clerical staff. At one time over 20 Constable Writers were doing clerical work in the District Superintendent of Police, Nasik's Office, though at the time of the study their number was reduced to eight. The position in many other districts is similar.

40.31. Apart from the need for additional clerical staff to cope with the increased volume of work, there is a pressing need for providing effective supervision for the office. At present the Home Inspector is expected to supervise the office, in addition to carrying out his executive duties as Officer in charge of the Armed Head-Quarters. The work of all branches of the office which has to go to the District Superintendent of Police is submitted through the Home Inspector, except establishment work which is submitted by the Head Clerk to the District Superintendent of Police direct. The Home Inspector signs all pay, travelling allowance, contingencies and other bills. When the District Superintendent of Police and Additional District Superintendent of Police are on tour, the Home

Inspector is contacted by out-station officers for assistance in emergencies. Being primarily an executive officer who cannot be expected to have more than a limited knowledge of service rules, accounts, establishment and other matters, he has to rely heavily on the Head Clerk and Accountant and is not in a position to give adequate attention to, let alone guidance in respect of, this work. The heavy arrears in the accounts branch in many Districts noticed during inspections by the Organisation and Methods section of the Home Department are due to the fact that the Head Clerk has not much responsibility so far as the accounts branch is concerned, while the Home Inspector is not in a position to discharge his responsibility effectively. The Scriptory Committee has recommended the creation of a post of Office Superintendent. Such a post is urgently necessary The Office Superintendent may be made the Drawing and Disbursing Officer so that he will relieve the Home Inspector of the bulk of clerical and accounts work. The post of Office Superintendent may be created in lieu of the existing Head Clerk's post (as an additional level of supervisory staff, viz., Head Clerk, would not be necessary).

40.32. The need for strengthening the accounts branch is also equally urgent. One of the alternatives would be to post a trained Accountant of the Maharashtra Finance and Accounts Service to take charge of the accounts work in the District Police Offices. The main drawback of this alternative would, however, be that it would in no way improve the calibre of the rest of the accounts staff in the Office and, on the contrary, it would act as a disincentive, as the office staff would not be able to look forward to promotion to the post of Accountant. The other alternative is to give thorough training in accounts to the staff of the District Police Offices in a phased programme of training and to promote only such of them as have passed the prescribed accounts examination to the posts of Accountant and Office Superintendent. The training may be given at the Divisional Training Classes organised by the Directorate of Accounts and Treasuries, as recommended earlier*.

40.33. The aforesaid recommendations would apply to all District Police Offices. As regards the rest of the clerical staff, norms of workload have been proposed in Annexure 26 on the basis of a study of the work done in different branches in the Nasik District Police Office. The staffing pattern indicated in column 4 of Annexure 26 could be made applicable to all Districts with suitable changes, as the number of posts have been suggested with reference to specific

*Paragraph 27.19.

workloads and, in Districts where the workload is heavier, the pattern would give additional posts on the scale laid down. Where posts are suggested without mentioning the workload, for example, Office Superintendent, Junior Clerk for licencing, Selection Grade Clerk for Statistics, etc., they would have to be sanctioned in each District. The pattern is not, however, intended to be applied rigidly and allowance may have to be made for special features that may be obtaining in individual Districts.

40.34. A notable feature of the working of the District Police Offices is that the administrative work relating to the entire District is concentrated in the District office. Unlike other Sub-Divisional Officers, the Sub-Divisional Police Officers are primarily executive officers and enjoy very few administrative powers. The Sub-Divisional Police Officers are authorised to sanction earned leave to the Constabulary up to 60 days only, but even here the actual leave account is maintained in the Sheet Branch of the District Office, which calculates the leave admissible and forwards a note to the Sub-Divisional Police Officers for issue of orders. All other cases of leave are sanctioned personally by the District Superintendent of Police. All cases of rewards and punishments, applications, cases relating to grant of licences, parole/furlough to prisoners, etc. are decided by the District Superintendent of Police personally. He is also required to see every constable in the executive force once a year and record his estimate of the man in the relevant column in the service sheet. (This work is shared with the Additional District Superintendent of Police where such post has been sanctioned). Considering the large number of constables in the District and the other executive responsibilities of the District Superintendent of Police, the paper work which he is called upon to attend to is unduly heavy. He is unable to sit back and do some thinking as to the ways and means of improving the working of the Police Force. It is, therefore, necessary to delegate some of his powers to the Sub-Divisional Police Officers. The methods and procedures followed in Police Offices have also largely remained unchanged over the years. It is, therefore, recommended that a detailed work study be made of Police Offices in a few Districts with a view to simplification of procedures, avoidance of delays and relieving the District Superintendent of Police of the large volume of routine work with which he is saddled at present. The study may be carried out by one of the Work Study Units of the General Administration Department in active collaboration with the Police Officers concerned as well as the Deputy Secretary (O & M) of the Home Department.

40.35. As regards ministerial staff in other police offices, the Work Study Units of the General Administration Department have carried out studies of the offices of the Inspector General of Police, Commissioner of Police, Bombay and the State Traffic Branch and have recommended additional staff for these offices taking into account the increase in their workload. These recommendations deserve to be accepted expeditiously.

Additional Inspector General of Police

40.36. Government has recently created a temporary post of Additional Inspector General of Police, equal in status and responsibility to the post of Inspector General of Police. With the creation of this post, the Police Force in the State is now headed by two Officers of equal status. The reasons which prompted Government to create this post are not at all clear. The measure has serious implications.

40.37. The principle of unity of command has been accepted as vital to any organisation. It is of utmost importance in the case of a para-military organisation like the Police Force. A division of the loyalty of Police Officers between two Heads of the Department in matters in which the two may not see eye to eye, when there may be an element of rivalry between the two albeit below the surface, is bound to have a deleterious effect on discipline and morale in the Force, with grave consequences. One of the grounds urged in support of creation of the post was that the Inspector General of Police's post is the only category of posts in the Police Department where there has been no addition during the last 85 years, although the duties and responsibilities of the post have increased manifold. That such a narrow view should be taken of the staff requirements of the Police Department at the highest level is a matter for surprise. The other justification given for creation of the post is the increasing responsibilities and workload of the Inspector General of Police. While the increase in responsibility is not denied, the remedy proposed and adopted is hardly the right one to enable the Inspector General of Police to discharge his responsibility. A Head of the Department with divided responsibility is a contradiction in terms; if he is not responsible for part of the Department's activities, he can no longer call himself the Head of the Department. The real problem of the Inspector General of Police is one of proper delegation of his duties and powers to the four Assistant Inspectors General of Police who assist him in his ...ice and to the Deputy Inspectors General of Pol...

thought is given to the question of delegation, the post of Additional Inspector General of Police would be found unnecessary in any case. I, therefore, recommend that the post of Additional Inspector General of Police be abolished and a scheme of wider delegation of powers from the Inspector General of Police to his Deputies/Assistants may be sanctioned in consultation with the Inspector General of Police.

THE FOREST DEPARTMENT

40.38. The pattern of Administration followed by the Forest Department in this State is similar to that in other States. The conditions of Forest Management in different States are comparable. It would, therefore, be worthwhile to compare the size of the average charges in different States. The following table shows the average areas of forest units prevailing in this and the other States :—

(Area in square miles)

State	Circle	Division	Range
1	2	3	4
1. Maharashtra	3136	624	94
2. Uttar Pradesh	1688	300	..
3. Punjab	1237	247	47
4. Himachal Pradesh	1292	250	70
5. Bihar	3000	470	110
6. West Bengal	1100	200	40 (For reserved forests)
	1700	300	30 (For ex-proprietary forests taken over)
7. Madras	2751	266	77
8. Kerala	1100	217	70
9. Mysore	2635	400	..
10. Gujarat	1957	452	..

40.39. Prof. Lindquist, F.A.O. Expert, who visited India and Maharashtra, has recommended a divisional charge of 45 to 80 square miles under intensive management. The foregoing figures indicate that the administrative, executive and subordinate charges are comparatively far too large in our State, which render intensive management, close supervision and effective protection almost impossible.

40.40. The Chief Conservator of Forests submitted a detailed report to Government for reorganisation of the Forest Department in 1965. It is axiomatic that forests must be conserved and

developed from the point of view of the long term interests of the State. It is not appropriate to look for immediate returns for expenditure required to be incurred for the purpose. There is also a danger that the long term interests may be sacrificed to pressure from those who clamour for land or on behalf of the land-hungry, one way of meeting which clamour is disforestation of land and its distribution for cultivation. The short term interests of pacifying such clamour have to be weighed carefully as against the long term interests of the State which have few vocal supporters This is, however, a question of policy which has to be left to the wisdom of Government and which cannot be solved by Administrative Reorganisation.

40.41. A considerable detailed study and expert technical knowledge has gone into the preparation of the report of the Chief Conservator of Forests. I have perused this report and find the proposals therein to be sound and worthy of acceptance. The acceptance of these proposals would, however, involve considerable additional recurring expenditure which may take years to secure financial return, though the advantages of implementing these proposals and financial returns in the long run may make it more than worthwhile to incur the necessary expenditure. From a practical point of view, however, the expenditure has to be related to the resources available. For this purpose, the Chief Conservator of Forests has himself proposed that a phased programme for implementation of his report may be drawn up. The actual phasing and the span over which it has to be spread will have to be determined by Government.

40.42. There is, however, one small point which calls for comment; that is, in regard to the post of Additional Chief Conservator of Forests. This post was ostensibly created in August 1963 to cope with all round increase in the work of the Forest Department on account of various plan schemes and the higher responsibilities which that Department had to shoulder and to help the Chief Conservator of Forests in dealing expeditiously with matters in regard to the Third Five-Year Plan and general administration. At the time of creation of this post it was contemplated that its incumbent will carry out on-the-spot inspections by undertaking intensive touring, give guidance in implementation of new schemes like integrated units, mechanised logging, and pass final orders for working plans etc. In fact, however, looking to the manner in which this post has actually been utilised, the post of Additional Chief Conservator of Forests has not brought any relief t[illegible]

Conservator of Forests. From the data furnished by the Additional Chief Conservator of Forests it is seen that the major portion of his work relates to Forest Labourers' Co-operative Societies. There is an officer of the rank of Divisional Forest Officer for attending exclusively to this work in the office of the Chief Conservator. Besides, all policy matters and important issues in this field are dealt with by the Chief Conservator himself while the work in the field is dealt with by the Conservators. The data regarding inspections which the Additional Chief Conservator has furnished were not at all impressive and he has admitted that he did not issue any inspection notes or keep any record of discussions and decisions taken during inspection. The main reasons for which the post was ostensibly created do not appear to have been served and it seems that the post has been primarily utilised for personal reasons.

40.43. The Chief Conservator of Forests would require the assistance of a senior officer of the rank of Conservator in addition to territorial Conservators to help him in implementing the Development Plan. It would not be possible, however, to divest the Chief Conservator of Forests of his responsibility and to give that responsibility to another officer of equivalent rank. Elsewhere* I have commented on the need for a single line of control and recommended that there should be only one Head for each department. The Chief Conservator may be given the assistance of a Conservator of Forests at Headquarters who could be designated as Deputy Chief Conservator. A suitable special pay could be given to this officer as the work he would be doing would be of a more responsible nature than that of the territorial Conservators. If such a post is sanctioned, the Chief Conservator could select a person from among the Conservators for this post on merit. The help that would thus be available would be of a definitely superior order than if the post is that of Additional Chief Conservator who is placed in a position of subordination to the Chief Conservator. In discussions, the Chief Conservator observed that in West Bengal, the Additional Chief Conservator is subordinate to the Chief Conservator and also that in the All-India Forest Service which has recently been constituted, the pay scale of the Additional Chief Conservator is lower than that of the Chief Conservator. But in making appointment to the post of Additional Chief Conservator, whatever be the intentions in sanctioning the post, considerations of seniority may, in practice, outweigh those of merit ; while, if the post is of a Deputy Chief Conservator, considerations of seniority in the making of this

* Paragraph 4.12.

appointment could well be in a minor key. I, therefore, recommend that the post of Additional Chief Conservator may be replaced by that of a Deputy Chief Conservator at Headquarters.

40.44. Government has constituted a Forest Development Board in Government Resolution, Revenue and Forests Department No. FCT. 1568/257958-Y, dated the 13th February 1969, for the intensive development of the relatively interior forest areas. The reason for constituting this Board is that, though there are several potentially productive areas, the forest revenue per hectare in Maharashtra is very low in comparison with that in some of the other States in the country. Intensive working of selective areas can certainly lead to increased production and revenue. The extensive jurisdiction of the present administrative and protective units of the Forest Department and lack of adequate finance on a long term basis have been the major handicaps which do not permit such a concentrated effort. Normal departmental procedures are stated to involve impediments and uncertainty. The Government Resolution itself, while requiring the Board to undertake all the activities of the Forest Department, does not spell out in what way the constitution of the Board would help to overcome the handicaps to surmount which the Board has been set up. If departmental procedures cause impediments and uncertainties which are undesirable, the best solution would have been to revise those procedures and to introduce procedures which would enable speedy and firm action to be taken in furtherance of proposals and schemes found on objective examination to be viable and sound.

40.45. Regarding finance, it was mentioned in discussion by the Chief Conservator of Forests that it was expected that the revenue yielded by the area transferred to the Board would be available for investment in the further development of the same area. No formal orders to this effect appear to have been issued. If the Chief Conservator of Forests has correctly understood the decision of Government, his organisation itself could well have undertaken the responsibility for development schemes which are held up for want of financial provision and which could thus be financed from forest revenues. All that would be necessary would be to constitute a Forest Development Fund to which specified revenues could be diverted and from which funds required for specified types of development could be spent.

40.46. The Forest Development Board is still in its infancy. It is premature to consider and report on its working. In pr[illegible]

however, it will not be disputed that if procedures and attitudes inhibit efficient implementation of the Plan, it is better to change such procedures and attitudes rather than to set up new organisations while the procedures and attitudes continue unchanged and unreformed. It cannot be that these procedures and attitudes are unwelcome for a certain sector of the Administration if they are otherwise considered to be sound and desirable for the protection of the long term interests of the State and the tax-payer.

THE PRINTING AND STATIONERY DEPARTMENT

40.47. The Printing and Stationery Department performs four distinct functions, viz., executing the printing work of Government through the Government presses, publication and sale of Government publications such as the Maharashtra Government Gazette, Acts, reports, maps, etc., supply of stationery articles as well as certain other articles like clothing, bicycles, wall-clocks, typewriters, duplicators, etc. to Government offices and servicing and repairs of typewriters, duplicators, bicycles, etc. at its workshops. The Director, Government Printing and Stationery, controls 7 Government presses (of which the Government Central Press, Bombay is the biggest), 4 Government book depots, 5 stationery depots and 7 workshops for servicing and repairs of typewriters, duplicators etc.

40.48. The working of the Department has been examined by several bodies during the last twenty years and the following reports are available on the subject:

(i) Report of the Printing Enquiry Committee, Bombay (1950).

(ii) IBCON Report on the Reorganisation of the Government Stationery Department (1951).

(iii) IBCON Reports on reorganisation of the Government Central Press, Bombay (June 1953 to February 1956).

(iv) Report of the Panel on Printing and Stationery of the Administrative Reorganisation Committee (1965).

40.49. When the Printing Enquiry Committee was appointed in 1949, the Government presses were not well organised and there were several serious shortcomings, which have been pointed out in the Committee's Report. These shortcomings have been overcome to a considerable extent. The Committee recommended a $33\frac{1}{3}\%$ expansion in the total capacity of the Government presses to enable them to cope with the anticipated increase in work. This expansion has, however, since been exceeded as early as in 1959-60

and both the capacity of the presses and their workload have been growing since then.

40.50. IBCON (Industrial and Business Consultants) made a detailed work study of the various operations carried out at Government presses and made a number of recommendations. Some of these recommendations have been accepted. For example, the setting up of a Standards Branch under a Standards Officer for handling the sectional and individual production statistics, with a view to watching the productivity of individual units and sections. Some of the standards recommended, however, were found to be too rigorous and the workers have not been able to attain them. For example, as against the standard of 10,000 Ens per hour recommended, a worker is able to compose only 6,000 Ens per hour. IBCON was of the view that the standards recommended by it could be implemented if the Wage Incentive Scheme suggested by it was adopted. Under this scheme, monthly bonus related to the individual operative's production was to be given, ranging from 5 % to 25 %. Attempts were made to work this scheme at the Government Central Press for about ten years, but it was withdrawn in 1965 because of the very poor response from the operatives. Very few of them earned any bonus and the bonus earned by some amounted to hardly a rupee a month. It is understood that there was also opposition from labour to certain proposals for mechanisation which demand speedier operations, e.g., a rotating table for gathering pages. The IBCON recommendations relating to production and progressing have, however, been largely put into effect.

40.51. The Panel of the Administrative Reorganisation Committee on Printing and Stationery also made a number of detailed recommendations in 1965, which are not incorporated in the Report of the Committee as they were such as could be given effect to by the Administrative Department. Many of these recommendations have been accepted and orders issued by the Industries and Labour Department.

40.52. Despite these efforts at improvement, the working of the Department is still not quite satisfactory. I visited the office of the Director, Government Printing and Stationery and the different sections of the Government Central Press, Bombay and had discussions with the officers regarding the various shortcomings of the Department. The major problems that it is faced with and measures required to be taken to overcome them are discussed in the following paragraphs.

Government Presses

40.53. An idea of the growth of the Government presses during the last few years can be had from the following figures:

	1960	1968
	Rs.	Rs.
Value of Plant and machinery ...	40,66,000	1,05,85,000
Number of employees	3,092	4,324
Composing (No. of foolscap pages).	3,76,027	3,28,317*
Printing (foolscap impressions) ...	65,05,38,000	83,64,62,000
Binding (Standard man-hours) ...	9,93,069	13,51,868

*Reasons for shortfall explained below.

A new press building has been built next to the old building of the Government Central Press, Bombay, at a cost of Rs. 30 lakhs and plant and machinery worth Rs. 25 lakhs have been installed therein. A new press was opened in Aurangabad in April 1966. The Government Press at Kolhapur is being expanded with a new building and additional machinery. It is also proposed to install additional printing machines at the Yeravada Prison Press and the Jail Press, Nagpur. The Government Central Press has also recently started undertaking quality and colour printing. Despite these measures the presses are unable to cope with the volume of printing work and still have large arrears.

40.54. Efforts were made to examine the question as to how the working of the Government Central Press, Bombay, compares with that of the private presses. It has not, however, been possible to carry out such a comparative study owing to certain difficulties. The chief difficulty is that the press did not have a Costing Officer, and accurate data regarding the labour and machine utilization are not available. The present costing system followed at Government Presses is stated to be forty years old and needs revision in the light of new methods of costing being adopted in the industrial field. The Administrative Reorganisation Committee had recommended the creation of a post of Costing Officer in the Printing and Stationery Department. Accordingly Government have sanctioned the creation of a post of Cost Accounts Officer in the Maharashtra Finance and Accounts Service, Class I (Junior) (Scale, Rs. 410—1,010) in June 1969, but the post has not yet been filled for want of suitable candidates.

40.55. It is, however, claimed on behalf of the Government Central Press that there are certain peculiar features on account of which comparison with any private press such as the Times of India Press would not be proper. For example, the Government Central Press has to accept all types of work and is in no position to refuse work on any ground. It has also to adjust this work to suit the needs of urgent printing of Budget and Legislature work. Moreover, the press employees do not get dearness allowance linked with the cost of living index like workers in the private sector, nor do they get minimum bonus, since Government factories are exempt from the Bonus Act. Labour relations at the Government presses which are an important determinant of productivity need greater attention. The press also labours under a handicap in regard to quality printing, as there are restrictions on the purchase of art paper and other quality material. It is, however, claimed that the press has been able to deliver the goods so far as urgent and priority work is concerned and that confidential work done at the press is reputed to be first-rate throughout India and attracts orders from Universities and educational institutions from as far off as Uttar Pradesh and West Bengal. Labour relations at the Government Central Press have also been on the whole satisfactory under the Joint Management Council which has been working successfully.

40.56. A doubt regarding the ability of the Government presses to carry out urgent work promptly was cast by the failure of the presses to supply Motor Driving Licence books to the Motor Vehicles Department expeditiously during the period 1966-69, when for some time the latter Department was obliged to use cyclostyled forms for the licences and had to re-issue the licences in book form after the books became available. The case was studied in consultation with the Director of Transport and the Secretary, Industries and Labour Department. The main reason for the delay appears to have been the lack of effective co-ordination between the Motor Vehicles and Printing Departments at the proper levels, though shortage of capacity of the presses was also stated to be responsible for the delay.

40.57. It will be noted from the statistics given in paragraph 40.53 that there is a fall in the production figures for composing from 1960 to 1968, while other figures have recorded increases. The shortfall in production is due to the fact that the Mono and Lino machines which had been purchased before 1950 have not been [illegible]laced because of difficulties of obtaining foreign exch[illegible] [illegible]ines are stated to be available only from the U[illegible]

United States of America. There is also difficulty in obtaining spare parts, on account of which the machines have to be kept idle. The only solution to this difficulty would be to pursue the proposal for modernisation of the machinery and purchase of spares vigorously.

40.58. The capacity of the Government Central Press has been expanded by the construction of a new building and addition of plant and machinery as stated earlier. The number of employees has increased from about 600 in 1948 to over 1,600 in 1969. The press undertakes the printing of text books (about 20 % of text books, the rest being printed at private presses by the Bureau of Text Book Production), literature of the Publicity and Tourism Departments as well as the printing of lottery tickets, which has to be done in security printing units. New processes and new type of machinery have also been introduced, such as off-set printing machines, automatic binding machines and photo-engraving equipment, which involve considerable spade work including the training of operatives. Yet the entire Press is being managed by a Manager and two Assistant Managers (one for each shift), apart from the Standards Officer. A reorganisation of the managerial set-up of the Government Central Press is urgently called for. The Director has already submitted proposals to Government for the organisation of the Press into two Wings, viz., (1) Legislature Wing and (2) Text Books and Publicity Wing, and the creation of Class I posts of two Works Managers to be in charge of the two Wings. These proposals may be sanctioned with slight changes in the designations of the posts. The Assistant Managers (2 for each Wing) may be designated as Deputy Works Managers and the Junior Assistant Managers (again 2 for each Wing) may be designated as Assistant Works Managers. The Press may also be strengthened in the manner indicated hereafter.

40.59. The present Mechanical Engineer at the Government Central Press, Bombay is a Deputy Engineer borrowed from the Irrigation and Power Department. This arrangement results in frequent changes in the incumbent of the post, leaving him insufficient time to pick up the know-how of the printing machinery. The Director, therefore, proposed that the post may be thrown open to the Senior Mechanics of the Printing and Stationery Department who have experience in erecting, overhauling, dismantling and maintenance of the machinery and in manufacture of spare parts. In view of the expensive and sophisticated machinery recently installed in the Press, it would be desirable to appoint a graduate

engineer to the post after giving him thorough training in the handling of printing machinery. As this would be a solitary post, it should be created on a Class I scale of pay which would cover the range of both the Executive Engineer's and the Superintending Engineer's scales, viz., Rs. 650 to Rs. 1500. It is also necessary to establish mechanical workshops and put them in charge of a Mechanical Engineer each at other bigger presses like the Government Press, Nagpur, Government Photozinco Press, Poona and Yeravda Prison Press.

[illegible] The Government presses employ [illegible] workers. The Department has keenly felt the need for a post of Chief Labour Officer, as much of the time of the Manager is at present spent in labour matters. A post of Chief Labour Officer [illegible] expert advice on all matters relating to labour [illegible] the Directorate of Government Printing and Stationery.

[illegible] It is understood that there is [illegible] Industrial Courts under the Bombay Industrial Relations Act [illegible] similar litigation [illegible] Department.

[illegible]

[illegible]

workers dearness allowance linked with the cost of living index on industry-*cum*-regional basis, if it is available to others in the Press Industry, may be examined by Government. There seems to be a strong case for the grant of such dearness allowance so that there is no discrimination between sections of workers in the same industry.

40.64. One of the problems of the Director, Government Printing and Stationery is the handling of about 30 to 40 priority items received for printing every day. Most of these are given priority at the instance of Ministers or high officers. The execution of these items of work involves payment of heavy overtime. It is recommended that the power should be delegated to the Director to decide priorities. Alternatively, the authority may be delegated to a Deputy Secretary in the Industries and Labour Department. It is also desirable that bills for printing sent to the departments should show separately the ordinary rate and the priority charge based on overtime working. The incurring of an abnormally high expenditure on priority charges by any department would then attract the notice of Audit and also of the Public Accounts Committee. This fact would have a salutary effect. Further, the penalty charges levied for late return of proofs etc. according to the existing rules should in no circumstances be waived. Provision to this effect should be made in the rules themselves and the existing provision for exempting the levy of penalty charges should be removed altogether.

40.65. In accordance with a recommendation of the Administrative Reorganisation Committee, Government issued orders in September, 1968 directing that all other departments should be charged for the printing work done on their behalf by the Printing and Stationery Department, excluding routine items like printing of forms, Government Resolutions and the Government Gazette. The Printing Department has to maintain ledgers to indicate the sanctioned budget grant for each department and office and to inform them of the budget grant available at the end of each month or quarter to enable them to obtain additional funds if necessary. The Printing Department will also have to organise an Estimating Cell to furnish the data regarding cost of printing, a Billing Section and a Reconciliation Cell. According to another recommendation of the Administrative Reorganisation Committee, the Director has to maintain a list of private printing presses in the four Divisional Headquarter cities to handle items of printing work which cannot be done in Government presses within the specified time. The

Despatch Section will also have to be expanded, as Government have directed that the distribution of all printed material should be done by the Government presses themselves. Additional staff for all these new activities would have to be sanctioned.

40.66. The Printing and Stationery Department is short of godown space at Bombay, Poona and Nagpur. The Director estimates that he requires 50,000 sq. feet of godown space in Poona. As Government land is available at Yeravda, it is desirable to construct a godown for the Department, which needs the godown accommodation on a permanent basis. In Bombay, while the Government Central Press consumes 25 to 28 tonnes of paper per day, its godown capacity is 500 tonnes only. This is required to be doubled. A godown is also required at Nagpur.

40.67. Incidentally, it is not clear why the new building for the Government Central Press was constructed at its present site in a congested area and why the Press could not have been shifted to the suburbs, especially as Government has been asking private presses to move away from the heart of the City and also as quarters for the press employees are proposed to be constructed at Andheri.

Stationery Department

40.68. A general question which needs to be considered is whether the activities of (*a*) Printing and (*b*) Supply of Stationery and other articles cannot be carried out more efficiently if they are entrusted to two independent departments, particularly because the Stationery Department also supplies items like typewriters, duplicators, wall-clocks, bicycles, clothing and umbrellas for Class IV Government servants, etc. The two activities have nothing in common except that the printing presses also require paper and some of the stationery articles like printed letter heads, envelopes and ruled books are themselves products of printing presses. The budget provision of the department indicates that the paper supplied to the printing presses is about 67 % of the total paper supplied by the department during a year in value, the remaining 33 % being the value of stationery supplied to other Government Departments and offices. Of the total employees in the Department, 93 % are engaged in the printing presses, 5 % in stationery work and the remaining 2 % are common to both. The printing presses, therefore, predominate in the set-up of the Department and consume the li share of the paper handled by it. Most of the time o is also devoted to the printing presses, which ha

force. The stationery activities do not take much of the Director's time, probably not more than 25 %, as he is concerned only with important policy issues in regard to purchase or supply and the actual purchase and distribution is made at lower levels. Though the two activities of the Department are disparate, a separate Department for the supply of stationery and the odd assortment of articles which it handles would not probably be viable. In the circumstances the Department may continue to handle the two, but the Stationery Department may be treated as a distinct unit and adequate delegated authority given to its Head. Of the 3 posts of Assistant Directors of Government Stationery which existed at Bombay, Aurangabad and Nagpur prior to the bifurcation of the State in 1960, the post at Bombay was allotted to Gujarat, while the 2 posts at Aurangabad and Nagpur continue in charge of the stationery depots. It will be necessary to create a post of Assistant Director at Bombay, especially as the purchase of items of stationery of which the overall consumption per annum is less than Rs. 5,000 per item has recently been transferred from the Industries Commissioner and Stores Purchasing Officer to the Directorate of Government Printing and Stationery, resulting in a nearly six-fold increase in the volume of purchase work. A Work Study Team of the General Administration Department has also recommended the the creation of such a post.

40.69. The Director has reported that the staff of the stationery depots as well as the typewriter workshops at Poona and Nagpur is inadequate for the volume of work they have to handle. The arrears of work, the existing volume of work, etc. may be assessed, and adequate staff sanctioned for these activities.

40.70. As regards the clerical staff of the department, it is understood from the Director that in the absence of an Organisation and Methods Officer, it has not been possible to lay down norms for clerical work. The Director may be given a trained Organisation and Methods Officer and asked to implement the orders in Government Letter, General Administration Department, No. MIS-1165-O & M, dated the 28th June 1965, which direct that norms of work should be fixed for each section of an office in consultation with the Branch Officer and the Organisation and Methods Officer.

THE DIRECTORATE OF TECHNICAL EDUCATION

40.71. In reviewing the organisation of this Directorate on the basis of proposals and data received from the Director, the Education, Sports and Social Welfare Department has already taken steps, in

consultation with me, to reduce certain posts which were found surplus. These posts were:

1. *Office of the Director*:—

    1 post of Planning Officer.

    3 posts of Superintendents.

2. *Artisans' Technical Training Centres*:—

(i) Poona Centre	...	1 Junior Clerk. 2 Sweepers. 3 Chowkidars.
(ii) Varangaon Centre	...	2 Sweepers 3 Chowkidars.
(iii) Nasik Centre (subject to further scrutiny).		4 Junior Clerks 4 Sweepers. 7 Chowkidars.

3. *Evening Classes for Industrial Workers*:—

    2 Posts of Head Clerks at Bombay and Thana.

    2 Posts of Sweepers.

40.72. As regards the regional offices, it was found on scrutiny that the proposal of the Education, Sports and Social Welfare Department to create a post of Personal Assistant for each Regional Deputy Director was not justified in the light of the actual work-load. On re-consideration, the Education, Sports and Social Welfare Department has dropped the proposal.

40.73. In the case of the under-mentioned organisations, the staffing pattern should be as suggested below:

(1) *Polytechnics*.—The following staff should be sanctioned for a Polytechnic with an intake capacity of 180:

Post			No. of Posts
1. Head Clerk	...	...	1
2. Senior Clerk	...	...	2
3. Accountant	...	...	1
4. Junior Clerk (including Cashier and Typist).			8
5. Stenographer	...	...	1

Staff in Polytechnics with intake capacities of 120, 215-240, and 400 should be adjusted with due regard to the afore-mentioned norm.

(ii) *Industrial Training Institutes.*—The staffing norms recommended by the Western Regional Committee, an advisory body of the All-India Council for Technical Education set up by the Government of India, are proposed by the Education, Sports and Social Welfare Department for these Institutes also. They may be adopted. Application of these norms to these Institutes would render the posts of 1 Superintendent, 2 Librarians, 1 Accountant, 14 Class III staff and 2 Workshop Attendants surplus. Additional 29 posts of Class IV staff, however, would be necessary.

(iii) *Basic Training and Related Instruction Centres.*—There was no uniformity in the staffing pattern at some of these Centres. The following norm is recommended :

Intake capacity	Noting Assistant	Junior clerk	Class IV
Upto 55	...	1	...
56 to 150	...	2	1
151 to 250	1	2	1
251 to 350	1	3	2
351 to 450	2	3	2
451 to 550	2	4	2

The net effect of the implementation of this staffing pattern will be down-grading of 32 posts of noting assistants to those of junior clerks and creation of 26 more posts of junior clerks and 4 posts of class IV servants.

(iv) *Technical and Vocational High Schools.*—The following uniform staffing pattern for these institutions, suggested by the Director, is agreed to :

Technical High School with the following number of divisions in each standard	Senior clerk	Junior clerk	Store clerk
One Division ...	1	—	1
Two to five Divisions ...	1	1	1

If this pattern is adopted, it will be necessary to create 20 additional posts of senior clerks. This will be counterbalanced to a considerable extent by the reduction of 26 posts of junior clerks and one post of store-keeper.

Class IV staff like watchmen, mali, hamal, etc. will have to be sanctioned according to needs and hence no uniform pattern is suggested.

(v) *Pre-vocational Training Centres.*—Since the teachers at these centres teach specialised subjects, a reduction in those posts does not appear desirable. Looking to the low pupil-teacher ratio, however, it is recommended that the intake capacity of these institutions be increased suitably so that the ratio could compare favourably with that in the secondary schools.

(vi) *Evening Classes for Industrial Workers.*—In order to bring about uniformity in the staff at these centres, the Education, Sports and Social Welfare Department had suggested a norm for ministerial staff other than Head Clerks, which posts are to be abolished as mentioned in paragraph 40.71. That norm, it is recommended, may be revised as follows:

Intake Capacity		Noting Asstt.	Junior clerk
Upto 50	...	...	1
51 to 100	...	1	...
101 to 150	...	1	1
151 to 200	...	1	2
201 to 300	...	1	3

As the number of students is fluctuating, ministerial staff may be initially sanctioned with reference to the average number of students at the beginning of the academic year for the previous 3 years. The Director of Technical Education may also be empowered to sanction additional staff according to this norm, as and when need arises.

THE DIRECTORATE, DRUGS CONTROL ADMINISTRATION

40.74. The Director, Drugs Control Administration, had submitted to me elaborate proposals for expansion and reorganisation of the Department. These proposals were simultaneously under the consideration of Government. Decisions have already been taken by the Government on the suggestions which it considered as practicable and feasible. Necessary orders have been issued under Government Resolutions, Urban Development, Public Health and Housing Department, No. DCA-1067/25928-V, dated 6th August 19

No. PFA-1069/2710-V, dated 31st March 1970 and No. DCA-1270/992-V, dated 19th May 1970. The post of Drugs Controller is now converted into that of a Drugs Commissioner. As these orders have been issued recently, it is premature to offer any comments on the further reorganisation to be carried out at this stage.

THE DIRECTORATE OF ART

40.75. The Administrative Reorganisation Committee in its report has referred to the decision of Government to set up a Directorate of Art. This Directorate has recently been set up. Besides the J. J. School of Art, the J. J. Institute of Applied Art and the Chitrakala Maha Vidyalaya, Nagpur, which function under this Directorate, it is also responsible for the Inspectorate of Drawing and Craftwork. The Director has submitted proposals for augmentation of the staff of the Inspectorate as the present staff cannot attend to inspection of the drawing and craft work in 4,000 Secondary Schools and 42,000 Primary Schools. The staff which could be sanctioned for these purposes will depend on the resources of Government which it is prepared to spend for the inspection of these activities in Secondary and Primary Schools. If these activities are to be introduced compulsorily in all Secondary and Primary Schools and to be inspected to secure quality control, naturally a very large staff would be required. It is not possible for me at this stage, without knowing the extent to which Government wants this work done in the immediate future, to prescribe a staff ratio in relation to the number of schools. I would leave the question of extra staff to be sanctioned for the Inspectorate for the Director to take up with Government.

THE DIRECTORATE OF TOURISM

40.76. The Directorate of Tourism has recently been reorganised under Government Resolution, General Administration Department No. EST-1070-G, dated 3rd June, 1970. The object of the reorganisation is to enable proper co-ordination and management of tourism, attended to by different Departments of Government hitherto. As the Department has only recently been reorganised, it is premature to consider its further reorganisation at this stage. I would, however, observe that elsewhere* I have recommended that Secretariat and Executive functions should be clearly separate. The Director of Tourism, at present, functions also as Deputy Secretary. In result, the Tourism Department's activities do not receive

*Paragraph 6.7.

independent Secretariat scrutiny which is essential in the scheme of general administration. I, therefore, recommend that the Director of Tourism should cease to function as Deputy Secretary and that the Department should function independently outside the Secretariat.

THE DIRECTORATE OF GEOLOGY AND MINING

40.77. Previously, when the Director was a general administrator belonging to the Indian Administrative Service, the senior technical officer in the department was designated as the Joint Director. Later, when the general administrator was withdrawn and the Joint Director was promoted as Director, the post of Joint Director vacated by him was kept in abeyance. It has been proposed that this post should be revived by converting one of the posts of Deputy Directors into that of Joint Director. *Prima facie*, such a step does not appear justified merely looking at it from the question of the workload. It has, however, been urged that apart from the question of workload in the case of this and other technical departments, on a pragmatic view, it may be advisable to upgrade a post to provide for a sufficiently capable senior technical man so that he may give of his best to the organisation without succumbing to the ills of frustration. Such a step would also serve as a disincentive to his seeking better prospects elsewhere. There is much to be said for an element of flexibility in dealing with such problems. In the long run it may be in the public interest to retain a well-qualified, capable and conscientious officer by the offer of such an incentive in a field where trained and experienced experts may not be easy to replace. But the decision in each particular case has to be taken on its merits.

ANNEXURE 26

(*Vide* para. 40.33)

The staffing pattern recommended and the one suggested by the Scriptory Committee for a district with an Executive strength of 1,500 and crime of 3,000.

Serial No.	Section	Subject	Staffing pattern recommended	Staffing pattern proposed by the Scriptory Committee
1	2	3	4	5
1	Correspondence Branch.	General Supervision and direct supervision over Correspondence Branch.	1 Office Superintendent.	1 Office Superintendent.
		Applications ..	1 Junior Clerk for every 2,000 applications. If number of applications exceeds 3,000 an additional Selection Grade Clerk may be given.	1 Junior Clerk for every 2,000 applications.
		All licences (including licences for public conveyances).	1 Junior Clerk ..	1 Junior Clerk for every 4,000 references. 1 Junior Clerk for 3,000 licences and Selection Grade Clerk for more than 4,000 licences.
		Establishment ..	1 Junior Clerk ..	1 Head Clerk.
		Miscellaneous Correspondence.	1 Selection Grade Clerk. 1 Junior Clerk for references upto 8,000 a year.	1 Head Clerk. 1 Selection Grade Clerk. 2 Junior Clerks. 1 Junior Clerk if Executive strength less than 1,000.
			Additional staff may be sanctioned at the rate of 1 Junior Clerk for every 4,500 additional references, additional post to be given as soon as 1,000 out of the 4,500 additional references are registered.	1 Junior Clerk for every additional 750 Executive strength.
		Statistics ..	1 Selection Grade Clerk.	1 Selection Grade Clerk.

Serial No.	Section	Subject	Staffing pattern recommended	Staffing pattern proposed by the Scriptory Committee
1	2	3	4	5
2	Registry ..	...	1 Registrar (Section Grade Clerk). 2 Inward clerks . 1 Outward clerk ..	1 Selection Grade Clerk. 2 Junior Clerks @ 1 clerk for every 50,000 references inwarded or outwarded.
3	Typists ..	....	1 Typist for 7,000 English words. 1 Typist for 5,000 Marathi words	As in column 4.
4	Sheet Branch ..	...	1 Selection Grade Clerk (Sheet clerk)	1 Selection Grade Clerk. 3 Junior Clerks.
			1 Junior Grade Clerk for every 700 constables; additional post to be given as soon as 100 out of the 700 additional constables are appointed.	Strength of Junior Clerks to be varied for every 500 Executive strength. If Executive strength exceeds 3,000, 2 Selection Grade Clerks and 5 Junior Clerks.
			1 Additional Selection Grade Clerk if number of Junior Clerks exceeds 4	
			1 Marathi typist.	
			1 Daftary.	
5	Accounts Branch.	....	1 Police Accountant..	1 Police Accountant.
			1 Selection Grade Clerk (Cashier).	1 Selection Grade Clerk.
			3 Junior Clerks ..	2 Junior Clerks.
			Junior Clerks to be varied for every 500 Executive strength and an additional Selection Grade Clerk given where the number of Junior Clerks exceeds 5.	Junior Clerks to be varied for every 500 Executive strength. 2 Selection Grade Clerks if number of Junior Clerks exceeds 5.
6	Confidential Section.	....	1 Stenographer for District Superintendent of Police and 1 for Additional D. S. P., if any.	1 Stenographer. 1 Junior Clerk (No Junior Clerk if Executive strength less than 1,200).

PART VI

THE ADMINISTRATION OF JUSTICE

SECTION I—THE LAW COURTS

CHAPTER 41

THE SYSTEM OF JUDICIAL ADMINISTRATION

Introductory

41.1. The judicial administration in the State is not a common unified organisation. As a matter of history, the judicial administration set up by the East India Company and later by the British Crown for the town and island of Bombay was different from that for the mofussil. Bombay was the Headquarters of what was then termed the Bombay Presidency. It was an important commercial and administrative centre with a concentration of European population The foreign Government also may have considered it a suitable place for offering lucrative employment in judicial posts to Members of the British Bar. A separate organisation was conceived and developed to be manned by a superior oligarchy of Lawyers. For the High Court also, the procedures prescribed were such as to give free scope to Attorneys and Barristers, mostly Europeans in the earlier period, to amass fortunes at the cost of litigants A different organisation was developed for the mofussil area which was more in consonance with the needs of the native population for judicial administration. By and large, the same pattern is continued, with certain changes to which reference will be made and the pattern of judicial administration in the Metropolitan town of Bombay is entirely different from that in the mofussil. It will be useful to give a picture of the two sets of administration.

Criminal Justice — Mofussil

41.2. For the administration of criminal justice in the mofussil areas, there are in each district Sessions Courts presided over by the District Judge and Courts of Judicial Magistrates. In some areas where the volume of criminal work is sufficiently large, there are separate Judicial Magistrates. In other areas the Courts of Judicial Magistrates are combined with those of C

(Junior Division). Both the Judicial Magistrates and the Civil Judges belong to the same cadre and draw pay in the pay scale of Rs. 410—30—650—E.B.—45—1,010. The Judicial Magistrates and the Civil Judges doing judicial work exercise jurisdiction in all criminal matters under the Criminal Procedure Code to the extent that such jurisdiction is vested in them. For sessions work there is the Sessions Court presided over by a District Judge. Where the work is sufficiently voluminous, he is assisted by Assistant Judges and Additional Sessions Judges. In regard to appeals, the Code of Criminal Procedure provides that appeals from convictions by second or third class Magistrates may lie to an Assistant Sessions Judge. Subject to two exceptions, appeals from conviction on a trial made by an Assistant Sessions Judge or Judicial Magistrate lie to the Court of Sessions. The two exceptions are:

(1) Any case in which an Assistant Sessions Judge or a Magistrate specially empowered under section 30 passes any sentence of imprisonment for a term exceeding four years;

(2) When any person is convicted by a Magistrate of an offence under section 124-A of the Indian Penal Code.

(It does not seem that any Magistrates in the Districts have been specially empowered under section 30 of the Criminal Procedure Code at present.) In the case of these exceptions, the Criminal Procedure Code provides that the appeals on conviction shall lie to the High Court. In regard to appeals lying to the Court of Sessions, the Code further provides that the appeals may be heard by the Sessions Judge or by an Additional Sessions Judge. An Additional Sessions Judge or Assistant Judge may hear only such appeals as the State Government may, by general or special order, direct or as the Sessions Judge of the Division may give to him.

41.3. With regard to revision, the High Court or any Sessions Judge may call for and examine the record of any proceedings before an inferior Court in the districts set up within the local limits of its or his jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence, or order recorded or passed and as to the regularity of any proceedings of such inferior Court. The High Court or the Sessions Judge may direct the Judicial Magistrate to make further enquiry into any complaint which has been dismissed under section 203 or sub-section 3 of section 204 or into the case of any person accused of an offence who has been discharged. The Sessions Judge also has

the power, on examining the record, if he considers that such case is triable by the Court of Sessions and an accused person has been improperly discharged by the inferior Court, to cause him to be arrested and to order his commitment for trial; but if the evidence shows that some other offence has been committed by the accused such Judge may direct the inferior Court to enquire into such an offence. The Sessions Judge has also the power to report the case to the High Court for orders with the recommendation that a sentence or an order be reversed or altered.

41.4. Appeals in cases of acquittal lie to the High Court subject to the provisions of the Code.

Presidency Town and Presidency Magistrates

41.5. The Code of Criminal Procedure refers to Presidency Magistrates as a distinct class being Magistrates for the Presidency Towns, one of whom is to be the Chief Presidency Magistrate. There is also provision for the appointment of an Additional Chief Presidency Magistrate. The Code itself does not define a Presidency town. Prior to the Government of India Act of 1935, there were three Presidencies in India of which Bombay was one. When Bombay was a Presidency, what was known as the town and island of Bombay was obviously the Presidency town. With the coming into operation of the Government of India Act, 1935, and the separation of Sind, what was left of the Bombay Presidency became Bombay Province from the 1st April, 1937. One should have thought that there cannot be a Presidency town when the Presidency itself is abolished but the fiction of the Presidency town continues by virtue of a definition in the General Clauses Act which defines "Presidency Town" to mean "the local limits for the time being for the ordinary original civil jurisdiction at the High Court of Judicature at Calcutta, Madras, or Bombay, as the case may be". So long as the ordinary original civil jurisdiction of the High Court was confined to the town and island of Bombay, and in the life-time of Bombay Presidency it was so confined, the Presidency town was confined to the town and island of Bombay. But, years after Bombay ceased to be a Presidency and became a Province, and except by virtue of the definition in the General Clauses Act referred to, even the town and island of Bombay was a mere provincial capital and not a Presidency town, the area of the Presidency town began to inflate. In 1945, when the Bureaucracy was monopolising executive and legislative powers and the powers of the Provincial Legislature were vested in the Governor under section 93 of the Government of India Act, 1935, the C

as the Provincial Legislature passed an Act called the Greater Bombay Laws and the Bombay High Court Declaration of Limits Act, 1945. The preamble to this Act contains three recitals. It reads :

" WHEREAS it is expedient to extend the limits of the City of Bombay by including therein some portion of the Bombay Suburban District ;

AND WHEREAS it is necessary to constitute the whole of the said area into an area hereinafter called the Greater Bombay ;

AND WHEREAS clause 11 of the Letters Patent of the High Court of Judicature at Bombay dated the 28th December 1865 provides that the said High Court shall have and exercise ordinary original civil jurisdiction within such local limits as may from time to time be declared and prescribed by any law made by the Governor of Bombay in Council ;

AND WHEREAS under the provisions of the Government of India Act, 1935, the Provincial Legislature of Bombay is competent to declare and prescribe the local limits of such jurisdiction ;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, the powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act : "

The Act *inter alia* declares the limits of the ordinary original civil jurisdiction of the High Court to be the areas for the time being comprised in Greater Bombay. Under schedule ' A ' to the Act, the areas comprised in Greater Bombay as specified were shown to be the town and island of Bombay, the limits of the Port of Bombay, the limits of the municipal boroughs of Bandra, Parle, Andheri and Kurla and of the municipal districts of Ghatkopar-Kirol and Juhu. In addition 28 specified villages of the Bombay Suburban District were included in it.

41.6. From the recitals in the preamble it is seen that whereas the Governor considered it expedient and necessary to extend the limits of the City of Bombay to include therein certain areas of the Bombay Suburban District to be called together the Greater Bombay, in the second recital even the Governor has not claimed either expediency or necessity as the grounds for extending the local limits of the ordinary original civil jurisdiction of the High

Court. The Governor himself constituted the Legislature. The enactment was thus without any public debate or justification required to be offered to any one. Automatically the provisions of the Code of Criminal Procedure relating to Presidency towns got extended to the new Greater Bombay area.

41.7. The reasons for replacing the earlier system of administration which was more economical and of entrusting the High Court with the appellate jurisdiction which was previously exercised by a lower Court, viz., the Sessions Court are not on public record. The statement accompanying the Act reads as follows:

"The question of extending the limits of Bombay City has been under the consideration of Government for several years. The need for that extension is particularly felt now on account of difficulties experienced in the administration of law and order. In recent years criminals, externees and other undesirable characters such as gamblers, pimps, prostitutes, have tended to gather in the Bombay Suburban District, with the result that the Bombay Suburban District has become the most criminal district in the Province. The Police force in the Bombay Suburban District and that in Bombay City are under different authorities and work under different Acts. It is, therefore, proposed to extend the jurisdiction of the City Police to certain areas of the Bombay Suburban District in order to obtain more effective control on the increasing criminal activities in those areas.

It is also necessary to improve the civic administration of these suburban areas. At present, these suburbs are losing their popularity on account of their inferior social and civic services as compared to Dadar and Matunga. The City is heavily congested and additional area is necessary for its future growth. Its institutions and industries will welcome additional room for expansion provided they can have the same standards of administrative convenience and amenities. It is accordingly proposed to extend the limits of the ordinary original civil jurisdiction of the High Court and to extend certain City Laws to the said areas.

This Act is intended to put these two proposals into effect."

It will be seen that the first paragraph of the statement refers to the need to extend the jurisdiction of the City Police. In the second part there is reference to improve the civic administration of the suburban areas, as a result of which the institutions and industries in the City of Bombay would welcome additional room for expansion provided they could have the same standards of administrative

convenience and amenities. Without any further explanation it is stated "It is accordingly proposed to extend the ordinary original civil jurisdiction of the High Court". Was it protocol that demanded that criminals, externees and other undesirable characters such as gamblers, pimps and prostitutes booked by the Bombay City Police should be answerable to a superior judicial oligarchy than those booked by the District Police? The answer is left in the realm of conjecture. It appears to have been taken for granted that such a change called for no further explanation.

41.8. When the Governor's regime under section 93 came to an end and the Legislature was restored, this measure was repealed and re-enacted in the same form as Act No. LII (52) of 1947. The debate in the Bombay Legislative Assembly on the 4th October 1947 when the Bill to repeal and re-enact Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, was discussed and passed in three readings shows that such repeal and re-enactment were recommended by His Excellency the Governor as required by section 82 (3) of the Government of India Act. Shri Morarji Desai, the then Minister for Home and Revenue, in his speech in commending the Bill to the Assembly mentioned that there was already an Act enacted during the section 93 regime which would cease to have effect after March 1948 and, therefore, it was necessary to re-enact the measure. His speech does not show that the Government had given objective consideration to the question whether the changes in the judicial administration were really in the interests of the people and whether the additional burden imposed on the tax-payer was worth-while. He gave some explanation with regard to a minor verbal change in the Act and thereafter ended his speech at the first reading with the hope that no further explanation was necessary and that the Bill would receive the whole-hearted support of the House. His hopes were not misplaced. The first reading and then the second and third readings were all agreed to without any further discussion. The Bill which confirmed the law enacted by the Governor and introduced a radical change in the judicial administration, replacing an economical system by a more expensive system, was passed in a matter of minutes. No one questioned whether the burden on the tax-payer was justified.

41.9. The Act was further amended by Bombay Act No. LVII (57) of 1956. This Act was consequential to the extension of the limits of the Municipal jurisdiction of Greater Bombay under the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956. As a result, the Greater Bombay area was

extended to include six village panchayat areas and 34 villages of the Thana district. The Bills for both these measures were discussed in the Bombay Legislature on the eve of States Reorganisation. In the speeches on the Bill for extending the jurisdiction of the Bombay Municipality there was considerable opposition to the hasty enactment of the measure and demand by several speakers for circulation of the Bill. The Legislature, however, passed the Bill. When the Bill to amend the Greater Bombay Laws and Bills was moved, Shri Shantilal Shah, who sponsored the measure, merely explained that the Bill was consequential to the Bill accepted by the House earlier to extend the limits of the suburban areas, and the purpose of the Bill was to extend the magisterial, the judicial and the Police jurisdiction. At the first reading, besides the mover, only one member of the Opposition spoke and he only commented on the promptness with which the measure was being introduced and observed that when there is a thumping majority Government can very well rely on getting any Bill passed. Even on this occasion there was no discussion on the merits or of the issues to which I have previously referred. There was no contribution to the discussion by the "thumping majority" on the Treasury Benches. The Opposition had evidently exhausted itself in its efforts against the Municipal Bill discussed earlier. And the Bill was passed. Thus, by the grace of the law givers these laws were placed on the statute book!

41.10. It may be added that the system latterly introduced of a Financial Memorandum accompanying every Bill to show the financial consequences and the additional burden of expenditure to be imposed if the Bill were passed was not in vogue when either the Act was enacted by the Governor acting as the Legislature in [illegible] or when it was repealed and re-enacted in [illegible] or further amended in [illegible]. Sir John Seeley refers to the British Empire having been built in a fit of absent-mindedness. Judicial administration in this country is well known for its respect for the British traditions!

Greater Bombay Sessions Division

41.11. Under section 7 of the Code of Criminal Procedure, as amended for Maharashtra, the State of Maharashtra shall consist of Sessions Divisions; and every Sessions Division shall for the purposes of this Code be a District or consist of Districts. Sub-section (2) of the same section provides that Greater Bombay shall be a Sessions Division and be deemed to be a District. Under sub-section (3) the State Government may alter the limits and the number of

Divisions and Districts. Greater Bombay became a Sessions Division after the enactment of the Bombay City Civil Court Act of 1948, when the City Civil Court was established. Simultaneously with the establishment of the City Civil Court, Greater Bombay was declared as a Sessions Division and the Principal Judge of the City Civil Court was appointed as the Sessions Judge. At present 12 Judges of the City Civil Court are also Additional Sessions Judges of Greater Bombay. These 12 Judges are engaged exclusively in sessions work.

Appeals from Magistrates in Presidency Town

41.12. Though a Sessions Division is established in Greater Bombay, appeals from the Magistracy in the Presidency Town do not lie to the Sessions Court. Under section 411 of the Criminal Procedure Code, an appeal from conviction by Presidency Magistrate lies to the High Court if the sentence is of imprisonment or a fine exceeding Rs. 200. (In the case of Magistrate of First Class elsewhere the minimum limit for an appealable sentence of fine is a fine exceeding Rs. 50 only). Appeals against acquittals lie to the High Court as in the case of the Mofussil. As for powers of revision, the power to order commitment and power to report a case to the High Court on examination, the Sessions Judge of the Court of Sessions for Greater Bombay does not possess any such powers unlike the Sessions Judges in the districts.

CIVIL JUSTICE—MOFUSSIL

The District Court

41.13. The Bombay Civil Courts Act, 1869 provides for a District Court which is the Principal Court of original jurisdiction in the district within the meaning of the Code of Civil Procedure. The District Court is presided over by a District Judge who has general control over all the civil courts and their establishments within the district. It is his duty to inspect or to cause one of his assistants to inspect, the proceedings of all the Courts subordinate to him, and to give such directions with respect to matters not provided for by law as he may think necessary. The District Judge also has the power to refer to the High Court all such matters as appear to him to require that a rule of that Court should be made thereon. There is also provision in the Act to appoint a Joint Judge whose powers are co-extensive with those of and whose jurisdiction is concurrent with that of the District Judge, except that he may transact such civil business only as he may receive from the District Judge, or as may have been referred to the Joint Judge

by order of the High Court. The Joint Judge does not keep a file of the civil suits. Government has also the power to appoint one or more assistants to the District Judge. The District Judge may refer to any Assistant Judge subordinate to him original suits of which the subject-matter does not amount to Rs. 15,000 in amount or value, applications or references under special Acts, and miscellaneous applications. Where the value of the subject-matter does not exceed Rs. 10,000 an appeal against the decree of the Assistant Judge lies to the District Court and not to the High Court. An Assistant Judge has jurisdiction to try such appeals from the decrees and orders of the subordinate Courts as would lie to the District Judge and as may be referred by him to the Sessions Judge. The Act further empowers the State Government to invest an Assistant Judge with all or any of the powers of District Judge within a particular part of a District, and from time to time, determine and alter the limit of such part. The jurisdiction of an Assistant Judge so invested excludes the jurisdiction of the District Judge from within such limit

Subordinate Civil Courts

41.14. The Act further provides that there may be in each district so many Civil Courts subordinate to the District Court as the Government may, from time to time, direct. It is lawful for the State Government to close temporarily any such subordinate Court. The subordinate Courts are presided over by Civil Judges, of whom there are two classes, namely, Civil Judge (Senior Division) and Civil Judge (Junior Division). There is also provision for Joint Civil Judges. The jurisdiction of a Civil Judge, Junior Division, extends to all original suits and proceedings of a civil nature wherein the subject-matter does not exceed the amount or value of Rs. 10,000. Government has the power to increase the limit of Rs. 10,000 to Rs. 15,000 in the case of any Civil Judge, Junior Division of not less than ten years' standing and specially recommended in this behalf by the High Court. The jurisdiction of a Civil Judge, Senior Division, *extends to all original suits and proceedings of a civil nature in* districts to which more than one Civil Judge of Junior Division has been appointed. The District Judge, subject to the orders of the High Court, assigns to each, the local limits within which the special civil jurisdiction is to be exercised.

Small Causes Courts

41.15. The Provincial Small Cause Courts Act, Act IX of 1887, applies to the districts Under this Act it is compete[illegible] the Government to establish a Court of Small Causes [illegible]

Prothonotary and Senior Master of the High Court. While the District Courts follow the procedure of the Civil Procedure Code, the City Civil Court in several matters follows procedures identical to those of the High Court under rules prescribed by the High Court. Several of these procedures, which are different from those followed by the High Court itself on its Appellate Side, are cumbersome, time-consuming and burdensome for the litigant. A ready instance is that of Service of Process through the Sheriff followed by affidavits of such service.

41.19. On the Original Side of the High Court, the legal practitioners function through the dual system of Attorneys and Counsel except in regard to writ petitions where Advocates can appear for parties without instruction of Attorneys. The dual system is not obligatory in the City Civil Court but can be resorted to if the parties so choose.

CHAPTER 42

EMOLUMENTS AND RECRUITMENT OF JUDICIAL OFFICERS

42.1. Having looked at the responsibilities of the various judicial posts in the Mofussil and in Greater Bombay, it would be interesting to compare the emoluments of these respective posts as reflected in their pay scales. The following table shows the pay scales fixed for the different cadres of posts:

Mofussil

Serial No.	Designation of the post	Pay-scale
		Rs.
1	Civil Judge, Junior Division and Joint Civil Judge, Junior Division and Judicial Magistrate, First Class.	410—30—650—E.B.—45—1,010.
2	Civil Judge, Senior Division and Joint Civil Judge, Senior Division.	785—45—1,100—50—1,200.
3	Judge, Small Causes Court, Poona and Nagpur.	1,000—50—1,350.
4	Assistant Judge	800—50—1,300.
5	District Judge (including Joint Judge) ..	900—50—1,000—60—1,600—50—1,800.

Greater Bombay

Serial No.	Designation of the post	Pay-scale	Remarks, if any
		Rs.	
1	(i) Presidency Magistrate ..	1000—50—1350	....
	(ii) Presidency Magistrate ..	410—30—650—E.B.—45—1010 plus Special pay of Rs. 100.	These posts are filled by Judicial Magistrates drawn from the mofussil and are intended for certain summary trials under Railway Act, etc.
	(iii) Presidency Magistrate ..	500—25—650—30—830.	This is a special post of Presidency Magistrate, Juvenile Court for dealing with offences under the Children's Act.

Serial No.	Designation of the post	Pay-scale	Remarks, if any
		Rs.	
2	Additional Chief Presidency Magistrate..	1000—50—1350 *plus* Special pay of Rs. 200.	
3	Chief Presidency Magistrate.. ..	1600—100—1800.	
4	Judge, Small Causes Court, Bombay ..	1000—50—1350.	
5	Chief Judge, Small Causes Court, Bombay	1600—100—1800.	
6	Judge, Bombay City Civil and Sessions Court.	2000.	
7	Additional Principal Judge, Bombay City Civil and Sessions Court.	2000, *plus* Special pay of Rs. 300.	
8	Principal Judge, Bombay City Civil and Sessions Court.	2500.	

42.2. The normal principle of fixation of pay and pay scales is that emoluments must be in tune with the responsibilities of the office. It will be seen that this principle has been given a conspicuous go-by in fixing the emoluments of the judicial posts as shown in the preceding tables. Taking the Mofussil itself, the responsibilities of a Civil Judge, Senior Division and of an Assistant Judge are far higher than those of a Judge, Small Causes Court either at Poona or Nagpur. The responsibilities of the latter are not much above those of a Civil Judge, Junior Division; still the pay scale of the Judge, Small Causes Court at Poona and Nagpur is not only above that of a Civil Judge, Junior Division but is also more than that of the Civil Judge, Senior Division and of the Assistant Judge. Under the Bombay Judicial Service Recruitment Rules, Judges of the Small Causes Court at places other than Bombay are classified along with Civil Judges, Senior Division in Class I of the Junior Branch of the Judicial Service of the State of Maharashtra, whereas the Assistant Judges are classified in the Senior Branch of the same service. Besides, though the responsibilities of the Judges of Small Causes Court at places other than Bombay are much less than those of Civil Judges, Senior Division, who, as we have seen earlier*, have jurisdiction over all original suits and proceedings of a civil nature without pecuniary limit, the mode of recruitment to the posts of Judges of the Small Causes Court is "by promotion from Civil Judges (Senior Division) made by the High Court".

42.3. The recruitment rule for Assistant Judges is that these appointments are made by the Governor in consultation with the

*Paragraph 41.14.

High Court by promotion from the Civil Judges (Junior Division) or Civil Judges (Senior Division) of not less than seven years' standing. There is a higher age limit for such appointments which are made from a Select List based on merit, but which takes into account seniority as far as possible.

42.4. Presumably, the Judgeship of the Small Causes Court other than Bombay is a consolation prize to a Civil Judge not found fit for promotion as Assistant Judge. There is a gross anomaly in these appointments. A person not found fit for appointment as Assistant Judge gets a higher initial start and a higher maximum in the pay scale, which, of course, is of a shorter span, presumably because such appointment is generally made when the person is a few years away from superannuation. The second anomaly is that a Civil Judge (Senior Division) on promotion as a Judge of Small Causes Court at places other than Bombay, does far less responsible work for higher pay. A rational way of giving a consolation prize on compassionate grounds would be to leave a couple of posts in a special "Selection Grade" of Civil Judges, Senior Division, which while receiving higher emoluments would not be simultaneously divested of heavier responsibilities.

42.5. The divergence between emoluments and responsibility gets far wider when the pay scales of the Judicial Officers in Greater Bombay are compared to those of the Judicial Officers in the Mofussil. On the criminal side, leaving aside the three special posts of Presidency Magistrates shown in the preceding tables, the Presidency Magistrate who administers the same laws and discharges the same responsibility as the Judicial Magistrate, First Class, starts on a pay more than double that of the latter, gets higher increments and a higher maximum in the pay scale. The Additional Chief Presidency Magistrate, over and above the emoluments of the Presidency Magistrates, gets a special pay of Rs. 200. The Chief Presidency Magistrate gets a pay scale which corresponds to the last slab of the pay scale of the District Judge and is far higher than the pay scale of the Assistant Judge, though, even without reference to the Civil jurisdiction of the District Judge and the Assistant Judge, the judicial work of the District Judge and of the Assistant Judge on the criminal side is of a far more responsible order than that of the Chief Presidency Magistrate. The pay scales of the Presidency Magistrates and of the Additional Chief Presidency Magistrates are also similarly much higher than the pay scale of an Assistant Judge.

42.6. On the civil side, the Judge of the Bombay City Civil and Sessions Court gets a pay of Rs. 2,000 when his responsibilities and jurisdiction are far lower than those of a Civil Judge (Senior Division) and compare more to those of a Civil Judge (Junior Division), with the qualification that while the pecuniary limit of the jurisdiction of the Civil Judge can go up to Rs. 15,000, that of the Judge of the Bombay City Civil and Sessions Court goes up to Rs. 25,000. With regard to the sessions work done by a Judge of the Bombay City Civil and Sessions Court, as observed earlier*, the Judge is not empowered to hear appeals from the Magistrates in Greater Bombay while in the Districts, the District Judge is invested with considerable appellate powers to which reference has already been made†. The Principal Judge, Bombay City Civil and Sessions Court gets a pay far higher than that of a District Judge though his responsibilities in the matter of both criminal and civil justice are of a far lower order than those of a District Judge.

42.7. As for recruitment, 50 % of the posts of the Judges of the Small Causes Court, Bombay, and Presidency Magistrates are filled by promotion from Civil Judges (Senior Division) and (Junior Division) and Judicial Magistrates, First Class. How far it is appropriate to refer to an appointment which results in lesser responsibilities in the case of Civil Judges (Senior Division) and of equivalent responsibilities in the case of Judicial Magistrates of the First Class as "promotion" is a point bordering on the moot.

42.8. The appointments of Chief Judge and Additional Chief Judge, Small Causes Court, Bombay, Chief Presidency Magistrate and Additional Chief Presidency Magistrate are made from the officials working in the respective courts by promotions based on merit which also takes seniority into account or by transfer from Assistant Judges. It does not seem, however, that any such appointments by the latter mode have been made so far.

42.9. District Judges are appointed either by promotion from the Junior Branch of those who have ordinarily served as Assistant Judges or on the recommendation of the High Court from Members of the Bar who have practised as Advocates. In the latter case, a proviso to the rule requires that when a person is recruited at the age of not more than 45 years (or 50 years in the case of a backward class person), he shall first be appointed to work as Assistant Judge for such period as may be decided by Government

* Paragraph 41.12.

† Paragraph 41.13.

on the merits of his case on the recommendation of the High Court before he is appointed as a District Judge.

42.10. There are two modes of appointment to the Courts of the City Civil Court, Bombay. One is on the recommendation of the High Court from the Members of the Bar who have practised in the High Court or Courts subordinate thereto. The rule itself does not limit such appointments to those Advocates practising in Bombay. But, subject to correction, this appears to have been the practice invariably. It is significant also that when Judges are so appointed to the City Civil Court they are not required to work as Assistant Judges for a period as in the case of those appointed as Judges from the Bar in the Mofussil.

42.11. The second mode of recruitment is in consultation with the High Court from the District Judges, the Chief Judge and Additional Chief Judge of the Small Causes Court, Bombay, and the Chief Presidency Magistrate and Additional Chief Presidency Magistrate, Bombay. It will be noticed that the District Judges and the Judges of the City Civil Court do not belong to a common cadre but District Judges can be appointed as Judges of the City Civil Court only in consultation with the High Court. Besides, the post of the Judge of the City Civil Court is not a promotion post for an Assistant Judge. There are no Assistant Judges, as has been noticed, in the City Civil Court. As for the provision for the appointment of a Judge of the City Civil Court from among the Chief Judge and the Additional Chief Judge of the Small Causes Court and the Chief Presidency Magistrate and the Additional Chief Presidency Magistrate, it may be observed that the entire working experience of these officials would be limited to a particular branch of the law, namely, in the case of the Chief Judge and the Additional Chief Judge to Civil Small Causes, Rent Act matters and to appeals under a few miscellaneous Acts wherein appeals from the Tribunals lie to the Small Causes Court; the Chief Presidency Magistrate and the Additional Chief Presidency Magistrate have experience exclusively in the administration of criminal justice.

42.12. The appointment of the Principal Judge of the Bombay City Civil Court was previously made by selection in consultation with the High Court from the Judges of the City Civil Court or from the District Judges. By a recent amendment of the Recruitment Rule, however, the latter channel of appointment is closed. Now the appointment is confined to selection from the Judges

City Civil Court. It would not, I trust, be incorrect to say that said modification is a tribute to the overwhelming power of Bombay Bar.

42.13. In recent times, particularly with the rising cost of li and the failure of the pay scales and salaries to march in step the inflation, there has been a general ferment amongst emplo which, in certain Public Sector Organisations, has not left high salaried Gazetted Officers untouched. It is fortunate that ferment has not contaminated the Mofussil Judicial Service w is far more numerous than the Greater Bombay Judicial Servic spite of the glaring anomalies in the treatment of the Mofussil ser as compared to the Metropolitan service. It may not be wis ignore the signs of the times and fail to take appropriate correc measures which would remove any cause for grievance which c be used as a handle for strife amongst such officers. The lumina of the City Civil Courts have shown the way. The Mofu Judiciary may not lag far behind.

CHAPTER 43

THE JUDICIARY IN HARNESS

Courts responsible to the High Court on the Appellate Side

43.1. *The Registrar of the High Court on the Appellate side has*, at my request, been good enough to carry out a personal review of those branches of the Judiciary which are responsible to the High Court on the Appellate side. These cover the Mofussil Judiciary on the criminal and civil side as well as the Presidency Small Causes Court at Bombay and the Courts of Presidency Magistrates in Bombay including the Chief and Additional Chief Presidency Magistrates. The statement in Annexure 27 gives the comparative data of the strength of the various Courts, Institutions, Disposals, Arrears etc. as on 1st May 1960 and as on 1st August 1968.

43.2. As rightly observed by the Registrar, the adequacy or otherwise of the strength of the Judges and the staff position in the Courts has to be decided in the light of their actual workload by reference to the norms of institutions and disposals for each of the Courts. Annexure 28 contains a comparative statement of the norms of disposal of different types of the cases in different courts as previously suggested by Shri K. P. Mathrani and as now proposed by the High Court in the light of average of actual disposals and discussions in Conferences of District Judges from time to time regarding these norms.

43.3. With regard to the norms suggested by Shri Mathrani, the Registrar observes:

> "In his report Mr. Mathrani has not, however, stated the basis on which he had fixed the norms for the different Courts. Moreover, it appears that the norms in question [illegible] prescribed by Mr. Mathrani more or less with a [illegible] recommending measures for retrenchment in the [illegible] Department."

The suggestion is perhaps not quite fair to Shri K. P. Mathrani, who had arrived at these norms after visiting several offices and discussions with the District and Assistant Judges in those offices. These norms do not appear to have been questioned at the time. Besides, it seems that they were accepted by Shri V. A. Naik, then Special Officer and District and Sessions Judge (later High Court Judge) in his report on the judicial set-up for the Marathwada area. I would, however, agree with the Registrar that there have been material changes since Shri Mathrani suggested his norms. It cannot be ruled out that a revision of the norms accepted by Shri Mathrani may be required in the light of the spate of new legislation giving rise to complicated cases in litigation and the increase in contested matters and in the intensity of contests with litigants of the affluent class more free with money (that, in some cases, is difficult for them to account for) for the purpose of litigation. Besides, it is evident from the Registrar's report that the calibre in recent years has fallen. On this question of norms, it is difficult for those who do not have the actual responsibility for supervision and securing the fulfilment of norms to lay down such norms. *Prima facie,* therefore, I would be inclined to accept the norms suggested by those who have this responsibility. It will be seen, however, from Annexure 28, "Comparative Statement of Norms for Courts", that the norms now proposed by the High Court are not only lower than those of Shri Mathrani, but in several cases, lower than the figures of the average of actual disposals (for 12 Districts in the case of District and Sessions Judge and for 6 Districts in other cases). These figures of actual average disposal may be liable to some variation if the average for all Courts of each category is considered. There is room for further examination and clarification of the proposed norms. I recommend that Government may request the High Court to examine the proposed norms in the light of the actual average disposals and to consider prescribing norms which are slightly above the actual average disposals.

43.4. According to the Registrar, on the basis of the norms now proposed in his letter, if the arrears pending on any given date and the institutions in the year beginning from that date are to be disposed of, it would require 116 Appellate Judges (i.e., District Judges and Assistant Judges taken together) while if the arrears and only half the institutions in a year are to be disposed of 78 Appellate Judges would be required as against the present sanctioned strength of 69 Appellate Judges (of whom 2 are Joint Judges for special work connected with the Land Acquisition

references). Similarly, for the subordinate Civil and Criminal Courts, the corresponding figures of the strength required would be 758 including 70 Civil Judges (Senior Division) on the first basis, and 541 Officers including 62 Civil Judges (Senior Division) as against the present actual strength of 327 Judges including 37 Civil Judges (Senior Division) and the sanctioned strength of 373 Judges including 37 Civil Judges (Senior Division).

43.5. Among the problems facing the High Court referred to by the Registrar are: (1) the question of suitable accommodation for Courts for want of which the High Court feels unable to make proposals for the required increase in the number of Courts and in the staff required for these Courts at various places; (2) want of accommodation for the Judge and the staff accompanying him when working in a linked Court at a place other than their Headquarters, the stipulated days in the month for such work being not less than ten; (3) failure to attract suitable personnel for posts of Civil Judges (Junior Division) because the terms of appointment are not sufficiently attractive and the promotional outlets in the Judiciary are inadequate; and (4) the stagnation in the cadre of Assistant Judges for want of sufficient posts in the cadre of District Judges (including Joint Judges) for promotion.

43.6. Of these, elsewhere* in the Report I have dealt with the need for securing adequate accommodation for Government Offices and Courts, without which rationalising the Administration may be fruitless. In regard to the accommodation for the Judge and the accompanying staff at the station of the linked Court, if suitable accommodation in the Government Rest Houses cannot be reserved for them for the specified number of days in the month, the District Judge should be authorised to hire basic accommodation which would provide for a separate Bed-cum-Sitting Room for the Judge and Dormitory accommodation for the staff accompanying him. The other problems referred to will be dealt with later.

43.7. The Registrar has made detailed proposals for augmenting posts of Judges and of additional staff immediately required. With regard to these proposals, if they have to be dealt with in the light of the present judicial organisation without considering the scope for reorganisation, they could well be settled between the High Court and the Government in the light of the [illegible] and acceptable norms for work.

43.8. These proposals include a proposal for a [illegible] of 5 [illegible] of Judicial Magistrates in the Higher Grade [illegible]

*Paragraphs [illegible]

50—1,200 in place of 5 posts of Judicial Magistrates in the existing pay scale of Rs. 410—30—650—E.B.—45—1,010. The proposal to upgrade these posts of Judicial Magistrates is sought to be justified on the plea that prior to the separation of the Judiciary from the Executive there were posts of City Magistrates in the Deputy Collector's grade sanctioned for the Districts of Poona, Sholapur and Thana. It is stated that on the introduction of the separation from the 1st July 1953, the incumbents of these posts who were Revenue Officers went back to the Revenue Department carrying with them the scales of pay sanctioned for these posts. It is further stated that this was not noticed through oversight at the time of separation; "otherwise, the High Court would have surely and rightly insisted upon Government to transfer these posts to the Judiciary". I may state, with respect, that apart from the suggestion that the High Court then was less vigilant than now being perhaps not fair to the High Court then, the Registrar has overlooked the fact that the City Magistrates in these important urban centres also functioned as Sub-Divisional Magistrates exercising the executive functions of Magistrates and had frequently, in the absence of the District Magistrates from their Station, to face the brunt of tackling the law and order situation in that capacity. It is because these Magistrates functioned as Executive Sub-Divisional Magistrates that Sub-Divisional Revenue Officers of the rank of Deputy Collectors were appointed thereto.

43.9. Another proposal, at which I must respectfully record my surprise is that selected Civil Judges would be recommended for being invested with the higher pecuniary jurisdiction up to Rs. 15,000 only if Government would agree to a special pay of Rs. 100 p.m. On the question of pecuniary limits of the various Courts, I shall be making my own observations presently. But I may say that the Registrar's proposal does not take into consideration the fact that in a pay structure in which salaries are fixed in an incremental time scale, the additional experience gained is rewarded by the increments earned. Besides, it is implicit in a structure of Administration in which service is rendered over a period of time that additional responsibilities may be and are entrusted to persons as they gather more experience. The stand that no additional responsibility can be entrusted to an experienced person who has received several increments in the time scale than the responsibilities which he was expected to discharge on the day he joined his first post after recruitment unless additional pay or special pay is given is, if I may say so with respect, somewhat novel. In fact, it is quite common

to entrust additional responsibilities to persons as they gather experience without the question of extra remuneration therefor arising or being raised. In the High Court itself, I am sure, some more responsible work would be entrusted to a clerk after he gains some experience, though he is still in the clerical cadre, than the type of work entrusted to him in the first year of his service. Besides, in the past, no such condition precedent appears to have been stipulated for notifying the names of Second Class Sub-Judges, as they were then called, for the higher pecuniary jurisdiction or for investing First Class Sub-Judges or Civil Judges (Senior Division) with Appellate powers under section 27 of the Bombay Civil Courts Act, 1869 or for investing First Class Magistrates with powers under section 30 of the Criminal Procedure Code. It would appear that the framers of the Act contemplated that with experience of 10 years behind them Civil Judges could be legitimately expected to handle a higher pecuniary jurisdiction. If the provision was not applicable universally to all such Judges, this was obviously to leave room for screening and sifting to ensure that those who had not shown that they had gathered the requisite benefit from their experience may be spared the additional responsibility, in the public interest and not their own.

The Bombay City Civil and Sessions Court

43.10. The Bombay City Civil and Sessions Court is a Court responsible to the High Court on the Original Side. Just as the Registrar on the Appellate Side was requested to furnish a personal review of the working of the Courts under his control, the Prothonotary and Senior Master was similarly requested to make such a personal review of the Courts under his control with the permission of the Chief Justice and the Honourable Judges of the High Court. The Prothonotary and Senior Master has not thought it fit to meet with this request. The Principal Judge of the Bombay City Civil Court and Sessions Judge, Greater Bombay, was, however, requested by the High Court on the Original Side to forward such a review. The Prothonotary and Senior Master has sent the review submitted by the Principal Judge on the 6th June 1969 together with a subsequent letter from the latter dated the 23rd July 1969, replying to certain queries raised by the High Court. The Prothonotary and Senior Master states, "Their Lordships have carefully considered the views expressed by the Principal Judge in the said letters and strongly support the same". It will be seen presently that the view expressed in the two letters differ in material particulars. I

say, in all humility, that I cannot understand how Their Lordships could have strongly supported the views in both in so far, at least, as they cannot be reconciled.

43.11. With regard to the review of the 6th June 1969, the then Principal Judge, Shri S. K. Desai, has stated in the penultimate paragraph that he took charge as Principal Judge with effect from the 25th May 1969 and that the review had been prepared mainly by his immediate predecessor in office, Shri G. A. Desai. This may explain why the review concludes with a Resolution of the Bombay City Civil and Sessions Court Bar Association, which *inter alia* recommends:

> "The appointment of adequate number of Judges (some of them may be temporary for tiding over the temporary increases in arrears. This may be done by extending the tenure of Judges who are on the verge of retirement for a short period of two years) with necessary addition of Administrative Staff."

43.12. Earlier in that letter it is observed "On a fair assessment of the volume of work as indicated by the present rate of filing it may be stated that this Court would be requiring 40 Judges permanently as against the sanctioned strength of 22 Judges". If that need had been objectively assessed it is not understood why the Principal Judge sought to rely on the Resolution of the Bar Association recommending extension for Judges on the verge of retirement for two years for tiding over the temporary increase in arrears.

43.13. A statement showing the civil suits filed and disposed of by the City Civil Court, Bombay, from the 16th August 1948 to the 31st December 1968 and another statement showing criminal cases filed and disposed of from the 16th August 1948 to the 31st January 1969 which are included in the review are shown in Annexures 29 and 30 respectively.

43.14. In the review of the 6th June 1969, the Principal Judge observes as under with regard to arrears of suits:

> "As regards the arrears of Suits, I may state that they reached the figure of 25,838 on 31st January 1969. Normally speaking, taking 100 suits as a unit, 20 per cent. suits are disposed of after leading evidence and by Judgments. The remaining 80 per cent. suits are disposed of other ways i.e., by compromise, by dismissal for default or for want of prosecution. It may be pointed out that the suits filed upto 1966, are pending because they are contested suits and they are to be decided on

merits, i.e., by leading evidence and by Judgments. The number of such pending suits upto 31st December 1966 is 14,241. The suits filed after 1966, may be treated as new or current suits, to which the above basis of determination of contested suits may be applied (80 to 20 per cent). The suits instituted from 1st January 1967 onwards upto 31st January 1969 are 18,234 and 20 per cent. of this will come to 3,647. Thus out of the total of 25,835 pending suits on 31st January 1969, 17,888 suits, can be taken as contested suits which are required to be decided on merits. A Judge can dispose of 6-8 suits by Judgment in a month which means in a year excluding the period of Summer Vacation and Christmas Holidays, he can dispose of 75 such suits. If 20 Judges are exclusively assigned this work, in a year, they can dispose of 1,500 suits. It will take about 12 years to wipe the arrears of pending suits

"The present sanctioned strength of Judges is 22. Only 18 Judges are however working at present. Even assuming, 22 Judges work throughout, more than half the number of Judges are required for hearing Sessions or Special cases. (At present 12 Judges are assigned Criminal work and 6 Judges are doing Civil Work). Owing to tremendous increase in Notices of Motion and other Miscellaneous Matters, on an average 70-80 notices of Motion are on Board every Monday and at least [illegible] Judges are required to do this work and actually are assigned this work at present. One Judge is assigned Chamber work. One Judge is assigned Old Long Causes, one Judge takes [illegible] Causes, one Judge takes matrimonial Petitions and [illegible] Causes. But if all the 22 Judges work [illegible] may be assigned for contested short causes, one for Old Long Causes and one for High Court [illegible] last two years about 8000 suits are [illegible] 1500 suits may be treated as [illegible] ultimately by leading evidence and [illegible] Leaving two Judges for Notices of Motion [illegible] work as explained above, the [illegible] 500 current suits by Judgments and [illegible] not less than 18 Judges are required. [illegible] that may be required for [illegible] required for doing Civil work [illegible] allotted for Criminal work [illegible] assessment of the volume of work [illegible]

rate of filing it may be stated that this Court would be requiring 40 Judges permanently as against the sanctioned strength of 22 Judges.........."

43.15. In his subsequent letter of the 23rd July 1969, in reply to a query from the High Court regarding the number of Judges required to cope up with the work in his Court bearing in mind the arrears and the rate of present institutions, the Principal Judge, Bombay City Civil Court and Sessions Judge, Greater Bombay, has observed as under:

"In my letter dated 6th June 1969 it was estimated that about 20% of the suits instituted have to be finally contested and decided after full contest, i.e. after the issues are framed and the two sides have led evidence and by delivering judgments. That estimate was in fact worked out by my predecessor and I feel that no such precise estimate can be given. I feel that a very realistic estimate on the basis of the figure which I have taken as indicated above would be that out of these 10000 suits, 1000 will go the full length. This however does not mean that the remaining 9000 are settled by parties on their own. In some cases the settlement is brought about by the Court at the time of hearing the Notice of Motion or the Summons for Judgment or later when the suit actually comes up for hearing and just before the issues are framed. In some cases the settlement takes place even after this stage and after the recording of some evidence. In some cases settlements have taken place after the evidence of one side has been completely recorded.

"In working out the requirement of Judges, I would rather proceed on a different footing, namely, estimate the average disposals per Judge bearing in mind both contested matters disposed of by Judgment as well as by settlement. It is true that some Judges will exceed this average since they have the knack of bringing about a settlement; on the other hand, the mean figure is likely to prove on the high side for others.

"Even as regards criminal work, I propose to take the number of institution of regular Sessions cases at about 550 cases for the purposes of this estimate. It may be mentioned that much will depend on the type of case, since rioting and conspiracy cases tend to go on for a very long time and may require trial for about 15 to 20 working days as against 3 to 4 days for an ordinary rape or kidnapping case and about

5 to 6 days for a straightforward murder or attempt to murder. Rioting and kidnapping cases are on the increase.

"For the trial of the regular Sessions cases and the Special cases, in my opinion, 11 plus 2 Judges are required to enable the same to be disposed of within about six to nine months of the order of committal. It may be mentioned that of these two Judges taking Special cases, one is occasionally available for trial of regular Sessions cases and this factor has been taken into consideration for estimating the figure of 11.

"As regards the Civil work, I would first say that 4 Judges are required to deal with miscellaneous matters, looking at the number of motions and Chamber applications. However, when dealing with these interlocutory applications these Judges can and have been disposing off the entire suits and therefore according to the disposal figures of the past, I would consider that the two Judges hearing Chamber matters between themselves will be able to dispose of about 300 suits and the two Judges taking Notices of Motion would be able to dispose of between themselves about 150 suits in a month. As regards the other Judges, according to my estimate the average disposal figure should be taken to be 50 suits per Judge. If the rate of current institution is taken at 10,000 then 1,000 suits per month would have to be disposed of in order to avoid growth of further arrears, which would mean that in addition to the 4 Judges taking miscellaneous work, there would have to be 11 more Judges doing Civil work and between these 15 we would reach a disposal rate of 1000 suits per month as follows:

2 Chamber Judges	300 suits
2 Notices of Motion Judges	150 suits
11 Judges @ 50 suits each	550 suits
	1000 suits

Thus in order to prevent arrears of Criminal or Civil work this Court would require 11 plus 2 plus 4 plus 11 i.e. in all 28 Judges of which 13 would be on the Criminal side and 15 on the Civil side.

"As at the end of 1968 over 24000 suits were awaiting disposal and it may be estimated that this figure will be enhanced by about 2000 more at the end of this year. Thus about

26000 suits apart from the current institution would have to be disposed of. In tackling arrears, in my opinion, effort should be made to dispose of all matters filed upto 31st December 1964 and the aggregate of these matters pending as on 1st of June 1969 comes to :

1960 and earlier	17	
1961	1136	
1962	1462	
1963	2041	
1964	2433	7089

I will assume that out of these 1089 are disposed of by the end of this year which will leave 6000 suits which may be regarded as urgent arrears to be disposed of.

" We have estimated that a Judge is able to dispose of 50 suits a month, and in a working year therefore one Judge disposes of about 500 suits. If these 6000 suits are to be disposed of within one year, 12 additional Judges are required to tackle these arrears in the right earnest, which would mean that in addition to the 28 Judges estimated for dealing with the current institutions, 12 more Judges are required for trying to tackle the arrears properly which would give us the figure of 40. "

43.16. It would thus seem that the estimates of the contested suits and of disposals etc. by Judges in the Report of the 6th June 1969 and in the subsequent letter of the 23rd July 1969 are subjective estimates of two different Principal Judges. In his letter of the 23rd July 1969, the Principal Judge has referred to estimated average disposals per Judge. The City Civil and Sessions Court has now been in existence for over 20 years. It should have been possible to find out the actual average disposals by the Judges of the different types of matters referred to, namely, contested suits, Notices of Motion, Chamber Applications, etc. Even with regard to the percentage of suits which are contested, the estimate in the review of the 6th June 1969 is double that of the estimate in the letter of the 23rd July 1969. With such wide variations I find it difficult to assess the existing workload. The High Court itself does not appear to have fixed norms of disposal for the Judges of this Court as it has done on the Appellate Side for the different Courts under its control. In fixing such norms, the norms fixed for the Civil

Judges (Senior Division) for civil work and for the Sessions Courts in the Districts could well be taken as a guide bearing in mind that with regard to the civil work the number of contested long causes is only a fraction of the total number of institutions and also taking into account the number of Summary Suits and uncontested matters. It is also seen from the statement regarding civil suits furnished with the review that the average disposals per Judge appear to have fallen considerably below what they were in the first five years of the establishment of the Courts. It is also understood that the High Court itself has not proposed raising the number of Judges beyond 22 at any stage. 22 is now the sanctioned strength and of these only 21 posts are filled, the 22nd post yet remaining vacant for want of accommodation.

43.17. The arrears, no doubt, are alarming A proper estimate ought to indicate not merely the percentage of arrears and current disposals to institutions but also what proportion of the arrears and of disposals are represented by contested long causes. It is possible that when emphasis is on the proportion of disposals to institutions, it is the easier and uncontested matters that get disposed of and the difficult contested causes are all relegated to the arrears list. It would be interesting to note what portion of the arrears represents such uncontested causes and other causes respectively.

43.18. Another question which is closely linked with this matter is how far the quality of the Judges has affected the disposals and the piling up of the arrears. Admittedly, some Judges are below average. The Principal Judge has himself stated in his report, as quoted in paragraph 43.15 earlier, that while some Judges have a knack to exceed the estimated average disposal, "the mean figure is likely to prove on the high side for others". It has been urged, (not in the letters of the Principal Judge), that the pay of Rs. 2,000 per month offered to a Judge of this Court is not at all sufficient to attract the really successful lawyer; and the leaders, as of the High Court Bar (on the Original Side), would not look at a Judgeship. Recently, even the Government Pleader and the Pleader in the City Civil Court resigned as their private practice was much more lucrative. A view canvassed before me is that "merely going on appointing more and more mediocre Judges will not solve the problem. The wastage of time before such Judges, the appeals against their decisions leads to bottlenecks; two mediocre Judges could not equal in efficiency to a good one. The real solution is to revise Judicial salaries all round, so as to get again the leaders to accept Judgeships."

43.19. I must confess it is beyond my purview to consider the question of raising the emoluments of Judges. Besides, what is true of lawyers would also be true of other professional people and even with general Administrators if they were recruited at senior levels from the open market from among people who had gained good experience and standing in their field in the non-Governmental sector. Considering also the scope for fortunes at the Bar and what legal practitioners keep of them after taxation, it is a moot point how far judicial salaries after they are taxed could keep pace with the income in hand of the successful lawyers so as to act as an inducement or incentive for them to prefer a career on the Bench to their successful career at the Bar.

43.20. A considerable portion of the Principal Judge's reviews is devoted to the Establishment of the City Civil Court. It was suggested to the Prothonotary and Senior Master that it was desirable to examine whether the volume of clerical work involved as well as the time taken for the various formalities and procedures could not be reduced by effecting suitable changes in the methods and procedures and by revising any of the forms currently followed in the offices of the Courts. In his letter of the 11th April 1969 to the Under Secretary to Government, General Administration Department, the Prothonotary and Senior Master stated, "as to whether a systematic work study of the methods and procedures in the City Civil and Sessions Court should be undertaken will be considered by Their Lordships after they have examined the material furnished by the Principal Judge........." Their Lordships having decided after such examination to support strongly the views in the letters of the Principal Judge, have not given further thought to the suggestion for a systematic work study of methods, procedures and forms. In any scheme of rationalisation, such a work study would seem essential particularly where it has not been carried out before. If it is a question of merely sanctioning staff for extra work as reflected in the workload on the basis of the present organisation, this is a matter between the High Court and the Government which can be settled in the usual way and my comments are not necessary.

43.21. I cannot do better than to quote from the address of Chief Justice Warren E. Burger to the American Bar Association Convention in August 1970:

"In the supermarket age we are like a merchant trying to operate a cracker-barrel grocery store with the methods and

equipment of 1900. But more money and more judges alone is not the real solution............ Some of what is wrong is due to the failure to apply the techniques of modern business to the management of the purely mechanical operation of the courts—of modern record keeping, systems planning for handling the movement of cases. Some is also due to antiquated, rigid procedures which not only permit delay but often encourage it."

ANNEXURE 27

(*Vide* para. 43.1)

Comparative statement of the strength of the Courts and the state of Judicial work as on 1-5-60 and 1-8-68

	Particulars 1	As on 1-5-60 2	As on 1-8-68 3	Increase (+) Decrease (-) 4
	District and Sessions Courts			
1.	Number of District Judges	25	25+2 Jt. Judges for Spl. work.	+2
2.	Number of Asstt. Judges	33	42	+9
3.	Total number of Judges in District and Sessions Courts.	58	69	+11
4.	Arrears at the beginning of the preceding year.	14,361	13,767	—594
5.	Institutions during the preceding year ..	21,307	25,177	+3,870
6.	Disposals during the preceding year ..	20,401	24,598	+4,197
7.	Arrears as on 1-5-60 and 1-8-68	15,267	14,346	—921
	Subordinate Courts in the Mofussil			
8.	Number of Civil Judges, Senior Division ..	38	37	—1
9.	Number of Civil Judges, Junior Division—			
	(*a*) Sanctioned strength	335	336	+1
	(*b*) Approximate actual working strength ..	253	290	+37
10.	Arrears at the beginning of the preceding year.	1,40,377	2,25,603	+85,326
11.	Institutions during the preceding year ..	4,04,415	6,27,416	+2,23,001
12.	Disposals during the preceding year ..	3,98,101	5,81,337	+1,83,236
13.	Arrears as on 1-5-60 and 1-8-68	1,46,691	2,71,682	+1,24,991
	Small Causes Courts in the Mofussil			
14.	Number of Judges	3	4	+1
15.	Arrears at the beginning of the preceding year.	7,340	9,668	+2,328
16.	Institutions during the preceding year ..	14,558	14,631	+73
17.	Disposals during the preceding year ..	14,735	13,505	—1,230
18.	Arrears as on 1-5-60 and 1-8-68	7,163	10,794	+3,631
	Courts of Presidency Magistrates, Bombay			
19.	Number of Chief and Additional Chief Presidency Magistrates.	3	4	+1
20.	Number of Presidency Magistrates ..	26	30 (One post vacant)	+4
21.	Total number of Presidency Magistrates ..	29	34	+5*

*(One post vacant)

Particulars 1	As on 1-5-60 2	As on 1-8-68 3	Increase (+) Decrease (—) 4
22. Arrears at the beginning of the preceding year.	37,730	*N.A.	....
23. Institutions during the preceding year ..	3,74,051	4,35,642	+61,591
24. Disposals during the preceding year ..	3,38,221	3,17,479	—20,742
25. Arrears as on 1-5-60 and 1-8-68	73,560	1,04,019	+30,459
Small Causes Court, Bombay			
26. Number of Judges	13	19	+6
27. *Arrears at the beginning of the preceding year.*	27,837	48,510	+20,673
28. Institutions during the preceding year ..	37,268	46,839	+9,571
29. Disposals during the preceding year ..	40,654	45,362	+4,708
30. Arrears as on 1-5-60 and 1-8-68	24,451	49,987	+25,536

*N.A. = Not available.

ANNEXURE 27

(*Vide* para. 43.1)

Comparative statement of the strength of the Courts and the state of Judicial work as on 1-5-60 and 1-8-68

	Particulars	As on 1-5-60	As on 1-8-68	Increase (+) Decrease (—)
	1	2	3	4
	District and Sessions Courts			
1.	Number of District Judges	25	25+2 Jt. Judges for Spl. work.	+2
2.	Number of Asstt. Judges	33	42	+9
3.	Total number of Judges in District and Sessions Courts.	58	69	+11
4.	Arrears at the beginning of the preceding year.	14,361	13,767	—594
5.	Institutions during the preceding year ..	21,307	25,177	+3,870
6.	Disposals during the preceding year ..	20,401	24,598	+4,197
7.	Arrears as on 1-5-60 and 1-8-68	15,267	14,346	—921
	Subordinate Courts in the Mofussil			
8.	Number of Civil Judges, Senior Division ..	38	37	—1
9.	Number of Civil Judges, Junior Division—			
	(a) Sanctioned strength	335	336	+1
	(b) Approximate actual working strength ..	253	290	+37
10.	Arrears at the beginning of the preceding year.	1,40,377	2,25,603	+85,326
11.	Institutions during the preceding year ..	4,04,415	6,27,416	+2,23,001
12.	Disposals during the preceding year ..	3,98,101	5,81,337	+1,83,236
13.	Arrears as on 1-5-60 and 1-8-68	1,46,691	2,71,682	+1,24,991
	Small Causes Courts in the Mofussil			
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18.	Arrears as on 1-5-60 and 1-8-68	7,163	10,794	+3,631
	Courts of Presidency Magistrates, Bombay			
19.	Number of Chief and Additional Chief Presidency Magistrates.	3	4	+1
20.	Number of Presidency Magistrates ..	26	30 (One post vacant)	+4
21.	Total number of Presidency Magistrates ..	29	34	+5*

*(One post vacant)

Bombay,

...at ...l of ...ar	Suits pending over one year
5	6
6	...
36	239
15	1,142
93	1,408
268	2,192
386	2,744
,041	3,112
,049	2,946
,903	2,974
1,046	2,716
1,797	2,175
1,928	2,223
5,948	5,278
8,179	4,425
10,751	5,31
,965	
	52
	,968
	2,838
	16,962
	4,058

ANNEXURE 28

(*Vide* para. 43.2)

Comparative Statement of Norms for Courts

Serial No.	Office	Nature of cases	Norms by Shri K. P. Mathrani	Norms suggested by the High Court	Average of actual disposals
1	2	3	4	5	6
1	District and Sessions Judge.	(*i*) Sessions cases ..	40	30	30 *1
		(*ii*) Criminal Appeals ..	150	125	79 *1
		(*iii*) Civil Appeals ..	200	150	181 *1
		(*iv*) Miscellaneous Appeals	75	50	86 *1
2	Civil Judge (Sr. Dn.).	(*i*) Special Suits ..	90 to 100	55 to 65 ..	93 †2
		(*ii*) Special Darkhasts ..	200	150	431 †2
		(*iii*) Small Cause suits and Misc. Applns.	500 to 600	400 to 500	301 †2
3	Civil Judge (Jr. Dn.).	(*i*) Reg. Suits ..	300 to 350	225 to 250	312 †2
		(*ii*) Darkhasts ..	600 to 700	500 to 600	125 †2
		(*iii*) Misc. Applns. ..	100 to 150	100	37 †2
		(*iv*) S. C. Suits ..	....	100	52 †2
4	Judicial Magistrates F.C.	(*i*) I. P. C. cases ..	....	144 to 180 Or.	288 †2
		(*ii*) Prohibition cases ..	....	300 to 360 Or.	307 †2
		(*iii*) Summary/Misc. cases	....	480 to 600	1,183 †2

*1. Average of 12 districts, viz., Ahmednagar, Amraoti, Akola, Aurangabad, Bhandara, Dhulia, Nasik, Thana, Poona, Satara, Nagpur and Nanded.

† 2. Average of 6 districts, viz., Chanda, Bhir, Kolhapur, Osmanabad, Ratnagiri, Yeotmal.

ANNEXURE 29

(*Vide* para. 43 13)

Statement showing the Civil Suits filed and disposed of by the City Civil Court, Bombay, from 16th August, 1948 to 31st December, 1968

Year	No. of suits pending from previous year	No of suits filed during the year			No. of suits disposed of during the year	Balance at the end of the year	Suits pending over one year
		Instituted	Revised	Total			
1	2	3(a)	3(b)	3(c)	4	5	6
1948 From 16-8-48 to 31-12-48	....	902	....	902	166	736	....
1949	736	2,325	49	2,374	1,274	1,836	239
1950	1,836	2,400	43	2,443	1,664	2,615	1,142
1951	2,615	3,300	63	3,363	2,385	3,593	1,408
1952	3,593	3,558	34	3,592	2,917	4,268	2,192
1953	4,268	2,603	31	2,634	2,516	4,386	2,744
1954	4,386	2,981	71	3,052	2,397	5,041	3,112
1955	5,041	3,138	112	3,250	3,242	5,049	2,946
1956	5,049	2,926	27	2,953	3,099	4,903	2,974
1957	4,903	3,227	87	3,314	3,271	4,946	2,716
1958	4,946	3,600	105	3,705	3,854	4,797	2,175
1959	4,797	3,707	111	3,818	3,687	4,928	2,223
1960	4,928	4,229	206	4,435	3,415	5,948	5,278
1961	5,948	..	..	5,009	2,778	8,179	4,425
1962	8,179	5,424	Nil	5,424	2,852	10,751	5,315
1963	10,751	6,055	Nil	6,055	4,841	11,965	7,469
1964	11,965	7,156	Nil	7,156	5,017	14,104	9,332
1965	14,104	7,382	1	7,383	5,511	15,976	10,968
1966	15,976	7,949	7	7,956	5,995	17,937	12,838
1967	17,937	8,302	Nil	8,302	5,341	20,898	16,962
1968	20,898	9,100	Nil	9,100	5,577	24,421	24,058

ANNEXURE 30

(*Vide* para. 43.13)

Statement showing Criminal Cases filed and disposed of from 16th August, 1948 to 31st January, 1969

Year	No of cases pending from previous year	No. of cases filed during the year	No. of cases disposed of during the year	Balance at the end of the year
1	2	3	4	5
1948 From 16-8-1948 to 31-12-1948	—	85	81	4
1949	4	200	195	9
1950	9	220	213	16
1951	16	228	234	10
1952	10	264	252	22
1953	22	347	353	16
1954	16	353	352	17
1955	17	300	303	14
1956	14	318	316	16
1957	16	353	334	17
1958	17	359	357	19
1959	19	362	363	18
1960	18	427	410	35
1961	35	529	457	107
1962	107	353	394	66
1963	66	385	362	89
1964	89	424	425	88
1965	88	490	422	156
1966	156	378	431	103
1967	103	523	420	206
1968	206	493	511	188
1969 (Upto 31st January)	188	65	41	212

CHAPTER 44

QUESTIONS FOR CONSIDERATION

44.1. Among the problems to be faced referred to by the Registrar are :

(i) Failure to attract suitable personnel for posts of Civil Judges (Junior Division) because the terms of appointment are not sufficiently attractive and the promotional outlets in the Judiciary are inadequate ; and

(ii) The stagnation in the cadre of Assistant Judges for want of sufficient posts in the cadre of District Judges for promotion.

44.2. The problem, on the other hand, for the highest paid branch of the Judicial Administration in the State (below the High Court), namely, the City Civil and Sessions Court is, with all its comparatively high emoluments, the difficulty of attracting the successful practitioner from the Bar to the Bench. Reference has also been made* to the anomalous pay-structure, both within the Mofussil Judiciary itself where the Judge of the Small Causes Court at Poona and Nagpur gets more pay for less responsible work than a Civil Judge of the Senior Division and the anomalies as between the districts and the Metropolitan town where not only there is more pay in the latter for similar work as also more pay and a higher status for those doing far less responsible work. The subject that stares anyone concerned with rationalising the structure of Administration is, can the structure of Judicial Administration not be so rationalised as to provide for equal pay for equal work, higher pay for higher responsibility and mobility between the Mofussil and Metropolitan area to ensure that experience gathered in conscientious administration of justice in the Mofussil does not go unrewarded nor is scoffed at in preference to a chase after the leaders of the Metropolitan Bar to man the Metropolitan Courts ?

*Paragraphs 42.2 to 42.6.

ANNEXURE 30

(*Vide* para. 43.13)

Statement showing Criminal Cases filed and disposed of from 16th August, 1948 to 31st January, 1969

Year	No of cases pending from previous year	No. of cases filed during the year	No. of cases disposed of during the year	Balance at the end of the year
1	2	3	4	5
1948 From 16-8-1948 to 31-12-1948	—	85	81	4
1949	4	200	195	9
1950	9	220	213	16
1951	16	228	234	10
1952	10	264	252	22
1953	22	347	353	16
1954	16	353	352	17
1955	17	300	303	14
1956	14	318	316	16
1957	16	353	334	17
1958	17	359	357	19
1959	19	362	363	18
1960	18	427	410	35
1961	35	529	457	107
1962	107	353	394	66
1963	66	385	362	89
1964	89	424	425	88
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44.2. The problem, on the other hand, for the highest paid branch of the Judicial Administration in the State (below the High Court), namely, the City Civil and Sessions Court is, with all its comparatively high emoluments, the difficulty of attracting the successful practitioner from the Bar to the Bench. Reference has also been made* to the anomalous pay-structure, both within the Mofussil Judiciary itself where the Judge of the Small Causes Court at Poona and Nagpur gets more pay for less responsible work than a Civil Judge of the Senior Division and the anomalies as between the districts and the Metropolitan town where not only there is more pay in the latter for similar work as also more pay and a higher status for those doing far less responsible work. The subject that stares anyone concerned with rationalising the structure of Administration is, can the structure of Judicial Administration not be so rationalised as to provide for equal pay for equal work, higher pay for higher responsibility and mobility between the Mofussil and Metropolitan area to ensure that experience gathered in conscientious administration of justice in the Mofussil does not go unrewarded nor is scoffed at in preference to a chase after the leaders of the Metropolitan Bar to man the Metropolitan Courts?

*Paragraphs 42.2 to 42.6.

44.3. I understand that the principal obstacle in the way of such rationalisation is the claim that work in the Bombay City Civil Court is of an entirely different nature and is much more complicated than that in the Mofussil. It is further claimed that only those with experience of handling intricate commercial practice at the Bar can acquit themselves well on the Bench of this Court. The claim backed by the powerful Bombay Bar and its eminent leaders also apparently has the support of the section of the Judiciary drawn from the Original Side. But a glance at the data furnished by the Principal Judge which have been referred* to in the earlier Chapter will show to what limited extent the complicated long causes play a part in the working of the City Civil Court. In his letter of the 23rd July 1969, the then Principal Judge (who is now a High Court Judge) thought that the estimate that 20 per cent. of the suits instituted are contested formed by his predecessor-in-office was not at all realistic. He himself thought that a more realistic estimate would be about 10 per cent. Thus if 90 per cent. of the work relates to uncontested or summary matters or matters disposed of by settlement between the parties, it is difficult to see why Civil Judges of the Senior Division experienced in handling complicated matters relating to inheritance, partition, etc. should find it difficult in attending to this 90 per cent. work of the City Civil Court.

44.4. As for the remaining 10 per cent., it would be pertinent to enquire how many appointments to the Bench of the City Civil Court in recent years have been from among senior Advocates with sufficient experience of handling contested long causes. Besides, why should good intelligent Judges from the cadre of Civil Judges, Senior Division, who have gathered experience in Judicial Administration and dealt with intricate legal disputes under other laws be not able to tackle commercial causes with some in-service training if that was required? Incidentally, systematic training on initial recruitment as well as later by way of in-service training would benefit Judicial Officers as much as Officers of other Departments and pay large dividends. I understand that the Chief Justice has proposed a scheme for such training of Judicial Officers to Government. Though the scheme has not been referred to me, the proposal is welcome in principle.

44.5. When it comes to the question of recruitment, objectively speaking, the method of recruiting for the senior posts directly from [illegible] is the [illegible] ce of a British practice. In the British [illegible] offers c[illegible] to the Bench were always considered

*43.14

an honour and were generally not refused. The frequency with which such offers are being refused even by those who are only on the second or third rung of the ladder would raise the question, is there *justification to follow the British practice when the* tradition that went with it has evaporated ?

44.6. Besides, apart from the British practice, is there any reason to suppose that experience gathered *on the Bench is of an inferior* order compared to experience at the Bar ? For the Supreme Court, the vast majority of appointments to it ever since its establishment have been from those who scored their mark on the Judicial Bench *of the various High Courts rather than from among those who* showed their merit at the Bar of the Supreme Court. In our own High Court many Judges drawn from the Mofussil Judiciary have distinguished themselves. If a District Judge can be promoted to the *Bench of the High Court, why should he be considered incompetent* to deal with Civil cases with a limited pecuniary jurisdiction in the Civil Court ? Why should Judgeship in the City Civil Court not be open as a promotional channel either to an Assistant Judge or to *an experienced Civil Judge of the* Senior Division ?

44.7. The Registrar of the High Court mentioned the increasing *difficulties in recruitment because of the attractions for a law* graduate in the commercial and industrial spheres. In my view, emphasis on experience at the Bar is perhaps the biggest obstacle and will continue to be a greater and greater obstacle hereafter in the matter of recruitment. The *intelligent law graduate, who has no standing power and has no resources* of his own to fall back upon, cannot wait to acquire the required standing for nomination to a judicial post. Further, while the minimum standing needed is 3, 5 or 7 years, in actual practice, he *is a fortunate man who is* selected *on acquiring the minimum* prescribed standing. By the time a practitioner has gathered sufficient practice at the Bar he is inclined to weigh the prospects of developing his practice as against the incremental time-scale and *promotion* prospects of an appointment on the Bench. What he may have accepted while still struggling to get a standing may not be worth his while once he has established himself and considers that the *further rungs of the* ladder are not that difficult to climb. As observed* by me, when it comes to a senior appointment in any sphere, if recruitment at senior levels is to be made in the open market from persons who have proved their worth at other work, the *emoluments required*

*Paragraph 43.10.

attract such persons would be far in excess of what the public purse can afford.

44.8. The British practice of recruiting different tiers of Judges from the Bar is by no means a universal practice. In France, for instance, appointments to the higher rungs of the Judiciary appear to be made generally by promotion. There is the *Inspecteur General des Services Judiciaires* to keep a permanent supervision, by means of inspections etc., over all the Civil and Criminal Courts, with a view to promoting their efficiency. Though there are a few cases of Law Professors and practitioners directly raised to the Bench, by and large, the appointments are by promotion. All the Judges in France, whether of the lowest or highest Court, are the Members of the Judicial Civil Service. In France one may become a Judge soon after obtaining a law diploma from the University, provided he is selected by the prescribed examination. The result is, as quoted in Shri H. P. Dubey's "A Short History of the Judicial Systems of India and some Foreign Countries", "that the Bench and the Bar are separated by a formidable barrier of differences in temperament, training and approach. The French Judge feels a far closer kinship with the professor of law than with the *avocot* (advocate) whom he tends to regard as a mere rhetorician". Dubey further observes that "though Judges in France are comparatively paid poorly as in India, they have security of tenure and most of them are men of brilliant career and extraordinary ability and are highly respected by the people and, as in India, enjoy high dignity, prestige and social standing". It is for consideration, if the British practice which has been followed has ceased to yield results, whether a different system of recruitment altogether on the principle of "catch them young and give them sufficient training including refresher training and in-service training from time to time as and when they require to take up additional responsibilities", may not be substituted for the present system. The close links between the Bench and the Bar in the City Civil Court, as a result of which the Bench can get the Bar to join it in its fight for its Service Causes, may not be very healthy in the long run. Besides, it cannot be denied that there is a shady side to the practice at the Bar which unfortunately may be growing with the lure of black money which the litigants can flourish in their cause. How far it is possible to confine recruitment from the Bar to those who have quarantined themselves from the shady side is also a moot question.

44.9. Linked to the question of equal pay for equal work, more pay for more responsible work and less pay for less responsible

work and mobility between the Metropolitan and Mofussil is the question of a single Judicial system for the State which does away with the colonial vestiges of the Presidency Town. The question has been touched upon by the late Shri P. M. Lad in his Report on the Proposals to establish a City Civil Court and a Sessions Court in Bombay. Writing in 1947, Shri Lad considered "the principle of uniformity of judicial administration cannot obviously be pushed too far. To carry to their logical conclusion arguments—whose purport is that what is good enough for the mofussil is good enough for the Presidency Town—would involve the wholesale abolition of the Original Jurisdiction of the High Court; and so far not even the boldest reformer has advocated the total extinction of the ordinary original civil jurisdiction". The history of the proposals for a Court besides the High Court and the Small Causes Court, as narrated in Shri Lad's Report, shows how at every stage the High Court looked upon such a proposal as one for divesting it of its jurisdiction and strenuously opposed any reform over the years. The British Judges presiding over the High Court echoed sentiments similar to those of the British Politicians who, it may be recalled, announced "What we have, we shall hold" or of the Prime Minister who declared "I have not become the King's First Minister in order to preside over the liquidation of the British Empire". By and large, the attitude of the High Court is reflected in the following Minute of Sir Raymond West quoted by Shri Lad:

> "By a cavilling process of objection to this and that portion in succession to the Court's jurisdiction and by repeated piecemeal transfers of its functions it might in time be reduced to a little more than a show and then a new reformer would demand its abolition. It is important that the Court should have both a dignified position and a pretty ample volume of work in order to make it fill the requisite space in popular regard, and to give it the energy and practical ability requisite for dealing with important interests at eventful moments. The right exercise of its greater powers will be furthered by the habitual exercise of its smaller ones, and the sympathies of the public should be retained by continual contact with it in a tolerably numerous class of affairs."

44.10. The question of the working or reorganisation of the High Court is beyond the scope of this enquiry. But in dealing with Judicial Administration, to the extent that the Judicial Organisation is a unitary organisation, and in examining a living person the torso cannot be isolated from the head, cert

attract such persons would be far in excess of what the public purse can afford.

44.8. The British practice of recruiting different tiers of Judges from the Bar is by no means a universal practice. In France, for instance, appointments to the higher rungs of the Judiciary appear to be made generally by promotion. There is the *Inspecteur General des Services Judiciaires* to keep a permanent supervision, by means of inspections etc., over all the Civil and Criminal Courts, with a view to promoting their efficiency. Though there are a few cases of Law Professors and practitioners directly raised to the Bench, by and large, the appointments are by promotion. All the Judges in France, whether of the lowest or highest Court, are the Members of the Judicial Civil Service. In France one may become a Judge soon after obtaining a law diploma from the University, provided he is selected by the prescribed examination. The result is, as quoted in Shri H. P. Dubey's "A Short History of the Judicial Systems of India and some Foreign Countries", "that the Bench and the Bar are separated by a formidable barrier of differences in temperament, training and approach. The French Judge feels a far closer kinship with the professor of law than with the *avocot* (advocate) whom he tends to regard as a mere rhetorician". Dubey further observes that "though Judges in France are comparatively paid poorly as in India, they have security of tenure and most of them are men o[illegible] brilliant career and extraordinary ability and are highly resp[illegible] by the people and, as in India, enjoy high dignity, prestig[illegible] standing". It is for consideration, if the British pr[illegible] been followed has ceased to yield results, whet[illegible] of recruitment altogether on the princ[illegible] and give them sufficient training [illegible] in-service training from time [illegible] take up additional resp[illegible] present system. The [illegible] the City Civil Court, as [illegible] Bar to join it in its fight [illegible] healthy in the long run. Besi[illegible] is a shady side to the practice at [illegible] be growing with the lure of black m[illegible] flourish in their cause. How far it is pos[illegible] from the Bar to those who have quarantin[illegible] shady side is also a moot question.

44.9. Linked to the question of equal pay for pay for more responsible work and less pay f[illegible]

prop of Original Civil Jurisdiction to help them to maintain their dignity. It is for consideration how far and for how long the vestiges of colonial rule in the Letters Patent which impose a burden on the Presidency High Court which can be legitimately discharged by Subordinate Courts should continue.

CHAPTER 45

RECOMMENDATIONS

45.1. The issues raised in the preceding chapter have not been discussed by me with the High Court. The reason is that the issues are of such importance that it may be appropriate for Government to consider them in the first instance and to decide how far it is prepared to go along the lines suggested by me in raising the issues. Useful dialogue with the High Court would be possible only after Government itself has made up its mind on the pace to be set in these directions. Presuming that the time is not unripe to consider rationally and objectively the question of a unified judicial administration for the State, I can indicate the lines of the future set-up which I have in mind.

45.2. Earlier*, it has been seen that the Principal Judge, Shri S. K. Desai, in his review considered that the City Civil and Sessions Court would require a permanent number of 28 Judges and an additional strength of 12 Judges to clear the arrears. His predecessor-in-office had considered that the strength of the City Civil and Sessions Court should be 40 permanent Judges. A Court of these sizes, namely, either of the size contemplated by Shri S. K. Desai or of the size contemplated by his predecessor would obviously be much too unwieldly for a single Court. The problems of day to day administration both quantitatively and qualitatively would be of an order which may require the entire attention of the Principal Judge leaving him little or no time to spare for judicial duties. The optimum size for a Court would obviously be on the pattern of a District Court which a District Judge could conveniently handle with the complement of Joint Judges and Assistant Judges and the lower Judiciary which may be given to him. Section 3 of the Bombay Civil Courts Act, 1869, empowers the State Government to alter the limits of the districts or to create new districts for the purposes of that Act. Similarly, section 7 of the Criminal Procedure

*Paragraph 43.15.

Code (as amended by Maharashtra Act XXIII of 1951) empowers the State Government to alter the limits or the number of sessions divisions and districts. In my view, for a rational set-up for the Administration of Justice, it would be desirable to split the present jurisdiction of the Bombay City Civil and Sessions Court which extends to the whole of Greater Bombay into 8 convenient territorial sessions divisions and districts.

45.3. Each such sessions division and district may be presided over by a District and Sessions Judge who may be assisted by two or three Assistant Judges. On the pattern of the District and Sessions Court elsewhere, there may also be a complement of Civil Judges (Senior Division) and Civil Judges (Junior Division).

45.4. If the Courts are set up on the pattern referred to earlier, it may not be necessary to have the Presidency Small Causes Court as a separate Court Each District and Sessions Division may also cover the Small Causes arising within its jurisdiction. The jurisdiction for Small Causes other than matters under the Rent Control Act could be given to the Civil Judges (Junior Division), while the jurisdiction in regard to the Rent Control Act matters could be entrusted to the Civil Judges (Senior Division). An advantage of entrusting jurisdiction over Rent Act matters to the Civil Judges (Senior Division) would be that the same Court would deal with matters relating to Leave and Licence as also tenancy with regard to the same premises. Today there is a multiplication of litigation by parties approaching the City Civil Court when they find it to their advantage to claim that the transaction is one of Leave and Licence while the opposite parties who find it to their advantage to claim that the transaction is a tenancy seek the protection of the Small Causes Court.

45.5. On the side of criminal justice, the Courts of Presidency Magistrates, Chief Presidency Magistrate and Additional Chief Presidency Magistrates could well be replaced. The jurisdiction with regard to criminal justice at the level of Magistrates could be distributed to Judicial Magistrates functioning in the proposed new sessions divisions and districts. The territorial jurisdiction of the police stations in Greater Bombay could also be suitably revised and adjusted within the frame of new sessions divisions and districts.

45.6. The pecuniary jurisdiction of Civil Judges (Junior Division) was raised to 10,000 rupees in 1949, having regard to the fall in the value of the rupee which had taken place. There [illegible] a substantial fall in the value of the rupee since then.

in the value of the rupee is to be fully accounted for, it may be appropriate to raise the pecuniary limit for Civil Judges (Junior Division) for all of them from 10,000 rupees to 25,000 rupees. This would apply to Civil Judges (Junior Division) not only in the proposed new sessions divisions and districts but all over the State. For similar reasons it would be appropriate to raise the pecuniary limit of special jurisdiction for those with ten years' standing under the proviso to section 24 of the Bombay Civil Courts Act, 1869, from 15,000 rupees to 35,000 rupees.

45.7. For like reasons, the pecuniary limit of Rs. 15,000 for the original jurisdiction of an Assistant Judge under section 16 of the Bombay Civil Courts Act, 1869, may be raised to Rs. 35,000 and the pecuniary limit for appeals from appealable decrees and orders of an Assistant Judge in such cases to the District Judge may be raised from Rs. 10,000 to Rs. 25,000. Corresponding amendments would be required in section 8 of the Bombay Civil Courts Act, 1869, for Rs. 25,000 to be shown as the figure wherever the figure of Rs. 10,000 is mentioned.

45.8. On the lines of the earlier recommendation for the abolition of the Presidency Small Causes Court, the Small Causes Courts established at Poona and Nagpur under the Provincial Small Cause Courts Act may also be abolished and the jurisdiction in regard to small causes in those areas transferred to the Civil Judge (Junior Division) and that under the Rent Control Act to the Civil Judge (Senior Division).

45.9. If considerable time is likely to be required before the aforesaid set-up can be introduced, as an interim measure, while the Bombay City Civil Court and the Presidency Small Causes Court would continue, the pecuniary limits of jurisdiction of these Courts may be raised to Rs. 50,000 for the City Civil Court and Rs. 7,500 for the Presidency Small Causes Court. The question of extending the jurisdiction of the City Court to any suits or proceedings which are cognisable by the High Court as a Court having testamentary or intestate jurisdiction or for the relief of insolvent debtors under the proviso to section 3 of the Bombay City Civil Court Act, 1948, may also be taken up for consideration.

PART VI

THE ADMINISTRATION OF JUSTICE
SECTION II—QUASI-JUDICIAL

CHAPTER 46

THE TRIBUNALS

46 1. With the ever-increasing expansion of the functions of Government and of administrative power in the context of a Welfare State, a number of tribunals have been created for the proper implementation of the policy of Government. While some of these tribunals are purely administrative tribunals whose functions, *inter alia* include the exercise of discretionary power vesting in the Executive Government, other tribunals have been created as independent organs of adjudication With regard to the former which are essentially instruments of executive policy, their place in the administration is determined in the administrative set-up of the different administrative departments Here it is proposed to deal with those tribunals which are essentially independent organs of adjudication. Among these tribunals, the Sales Tax Tribunal deals with issues arising between the tax-payer and the tax administration. The other tribunals intended to be organs of adjudication, by and large, deal with adjudication of disputes between citizen and citizen or a citizen belonging to one class and a citizen belonging to another. Among these are the Maharashtra Revenue Tribunal which deals with disputes between landlords and tenants or between beneficiaries of different classes under the Tenancy and Land Laws etc. In the Industrial Labour field, there are the Commissioner for Workmen's Compensation, the Payment of Wages Authority, the Employees' Insurance Court, the Labour Courts, the Industrial Court and the Industrial Tribunal. In the co-operative sphere there are nominees or Boards of nominees appointed by the Registrar from a panel decided by Government for the purposes of arbitration of disputes touching the business of societies arising between societies and their members, societies and the apex bodies, societies and societies, members and members, etc. In addition there is the Co-operative Tribunal. Governme t hav also appointed a Motor Accidents Claims Tribunal a

Bombay to deal with claims arising from accidents caused by motor vehicles.

46.2. With regard to the Sales Tax Tribunal, it is the final authority on questions of fact arising in sales tax assessment and administration. The Bombay Sales Tax Act, 1959 has made statutory provision whereby, save in the manner provided under the Act, no assessment made and no order passed under the Act or the Rules thereunder, by the Commissioner or any other officer appointed to assist him can be called in question in any court. There is a parallel provision ousting the jurisdiction of the civil courts in the case of revenue laws, industrial adjudication and the co-operative sphere where the other tribunals mentioned before have been set up. The Payment of Wages Act provides an appeal to the Small Causes Court in Bombay and Poona. Elsewhere appeals lie to the District Court. The Workmen's Compensation Act and the Employees' State Insurance Act provide appeals to the High Court where a substantial question of law is involved.

46.3. According to the recruitment rule prescribed for the post of Commissioner for Workmen's Compensation, appointment to the post shall be made either (i) by transfer of a suitable officer from the cadre of the Assistant Judges, Civil Judges (Senior Division), Judges of Small Causes Courts, Bombay or Poona, or Presidency Magistrates, (ii) by re-employment of persons who have retired from the cadres mentioned in (i) above and who are not more than 59 years of age, or (iii) by nomination. To be eligible for appointment by nomination a candidate must have practised as an Advocate or a Pleader in a High Court in India or any Civil or Criminal Court subordinate to it for at least seven years, provided that the period of service rendered as a Judge of a Civil Court any time shall be counted as period of practice.

46.4. The Commissioner for Workmen's Compensation, Bombay, has exclusive jurisdiction over Bombay City, Bombay Suburban District and all cases connected with Western and Central Railway lines and the Hydro-Electric Companies under the management of Tata Hydro-Electric Agency Ltd., irrespective of the district in which they occur. He has also been appointed as the Authority under the Payment of Wages Act and the Minimum Wages Act in Greater Bombay, and also as Judge, Employees' Insurance Court with jurisdiction over Greater Bombay and four talukas of Thana District.

46.5. In other mofussil areas there are 28 *ex-officio* Commissioners for Workmen's Compensation who are mostly Civil Judges (the

others being Judges of Labour Courts, Poona and Kolhapur and Small Causes Court, Nagpur). Civil Judges have also been appointed as the Authorities under the Payment of Wages Act and Minimum Wages Act for their respective jurisdictions. Further, Civil Judges have been appointed as Judges, Employees' Insurance Courts in areas other than those under the jurisdiction of the Commissioner, Workmen's Compensation, Bombay and the Labour Courts.

46.6. It is not necessary here to go into the question of the work of the Civil Judges who have been appointed *ex-officio* as Authority/ Court under the Acts referred to. As regards the Commissioner for Workmen's Compensation, who functions also as Authority/Court under the Act referred to, it will be seen from the institutions and disposal of applications under the several Acts given in the attached statement for the three years 1966 to 1968 (Annexure 31) that the bulk of the work of the Commissioner for Workmen's Compensation is under the Payment of Wages Act and the heaviest arrears are under the Employees' State Insurance Act. Since the application of the Payment of Wages Act to persons covered by the Shops and Establishments Act from 1st April 1955, a large number of applications are being filed. These applications are hotly contested by the employers who are generally represented by advocates The scope of the different kinds of claims under the Payment of Wages Act has also increased. Further, owing to the decisions of Appellate Courts, the cases under the Payment of Wages Act are no longer summary cases, as various issues are required to be decided as incidental questions for which evidence is required to be recorded.

46.7. The number of pending applications under the Employees' State Insurance Act is over three times the annual disposal. There is, therefore, a clear need for the establishment of a full-time Employees' Insurance Court. A separate budget head was sanctioned in 1958 for charges in connection with the Employees' Insurance Act and the expenditure under this head is being borne by the Employees' State Insurance Corporation. A portion of the pay and allowances, etc. of the Commissioner, the Registrar and a Stenographer are also being recovered from the Corporation in addition to the cost of the office establishment. When a full-time Court is established, the entire expenditure would be recoverable from the Corporation. The setting up of the Court would also afford necessary relief to the Commissioner for Workmen's Compensation who would then be in a position to deal more fully with the large volume of work under the Payment of Wages Act. I, therefore, recommend that a separate

Court be set up under the Employees' State Insurance Act. Government may also consider augmenting the number of Courts wherever indicated in the light of institutions, disposals and outstanding arrears.

46.8. As regards the other tribunals referred to above, while their work is *prima facie* satisfactory so far as it goes, there would appear to be scope for improvement if proper supervision over disposals and quality of work is provided for.

46.9. In the case of those tribunals functioning in spheres where the jurisdiction of the civil courts is ousted, the question naturally arises as to why the jurisdiction of the civil courts has been ousted and why that jurisdiction has been given to the tribunals. Professor Robson, a noted authority on Administrative Law, referring to similar tendencies in the U. K. has observed as under:

> "This tendency is not the result of a well-thought-out constitutional principle. Its growth was haphazard, sporadic and unsystematic. Yet it was not, on the other hand, due to a fit of absent-mindedness. Parliament did not merely overlook the Courts of law. But the possibility of setting up new organs of adjudication which would do the work more rapidly, more cheaply, more efficiently than the ordinary courts; which would possess greater technical knowledge and fewer prejudices against Government; which would give greater heed to the social interests involved and show less solicitude for private property rights; which would decide disputes with a conscious effort at furthering the social policy embodied in the legislation; this prospect offered solid advantages which induced the legislature to extend, in one sphere after another, the administrative jurisdiction of government departments so as to include judicial functions affecting the social services. In doing so, Parliament was only repeating a process which has happened again and again in the history not only of England but of many civilised countries."

It would not be unreasonable to suppose that these are also the considerations which have moved the State Government and the State Legislature in setting up administrative tribunals for adjudication of different questions connected with social policy.

46.10. Granting the reasons for the creation of the administrative tribunals, it would be pertinent to ask if the tribunals have achieved the objectives, namely, functioning as organs of adjudication, more rapidly, more cheaply and more efficiently than the ordinary courts.

Judged by these standards, the performance of the various tribunals is far from consistent from tribunal to tribunal, and with the same tribunal from member to member, or from time to time. It may be noted that the Industrial Disputes Act, 1947 provides that, where an industrial dispute has been referred to a Labour Court, Tribunal or Industrial Tribunal for adjudication, it shall hold its proceedings expeditiously and shall, as soon as it is practicable on the conclusion thereof, submit its award to the appropriate Government. The very object of a tribunal is defeated if proceedings drag on for years, as they do, at the end of which for want of proper care or competence, Awards are required to be challenged in Writ Proceedings before the High Court or by appeal by special leave of the Supreme Court to that Court, and are remanded back by these Courts for reconsideration.

46.11. As the tribunals stand, they are susceptible to little supervision or control both in the matter of output of work, the procedures followed and the adoption of systematic and expeditious methods of work, etc. These defects could be ascribed partly to the composition of the tribunals and partly to the way in which the tribunals are allowed to work without careful supervision or accountability for the progress and quality of work.

46.12. The tribunals are appointed under regulations or rules made under the various Acts. The qualifications and mode of appointment of the members of the different tribunals are indicated below:

Maharashtra Revenue Tribunal.—The Maharashtra Land Revenue (Revenue Tribunal) Rules, 1967 provide that the President shall be a person who is or has been a Judge of a High Court, or who is an advocate and qualified to be a Judge of the High Court or who has, for a period of not less than 5 years, held the office or as the case may be exercised the powers of (*a*) the Secretary to Government, Law and Judiciary Department and Remembrancer of Legal Affairs, (*b*) the Principal Judge of the City Civil Court, Bombay, (*c*) a District Judge, (*d*) the Chief Judge, Small Causes Court, Bombay, (*e*) a member of the Industrial Court, (*f*) a member of the Industrial Tribunal, or (*g*) a member of the Maharashtra Revenue Tribunal.

A member of the Tribunal shall be a person (*a*) who is holding or has held an office not lower in rank than that of a Collector, a District Judge, an Assistant Judge or a Civil Judge enior Division) or a Civil Judge holding an equival ce; who

is an advocate or an attorney of the High Court or a legal practitioner entitled to practice before courts other than the High Court, who has practised for not less than five years in a Civil Court or before the Tribunal and who is well versed in revenue and tenancy laws.

Maharashtra Sales Tax Tribunal.—The Bombay Sales Tax Rules 1959 provide that every member of the Tribunal shall be a person who has been a District Judge, or who is qualified for appointment as a District Judge and has held judicial office for not less than ten years, or is a Chartered Accountant and has practised as such for not less than six years, or has an adequate knowledge and experience in Accounting, or has special knowledge of or experience in commerce or industry, or has held an office not lower than that of Deputy Commissioner of Sales Tax under the State Government continuously for not less than three years. One of the members of the Tribunal is appointed by the State Government to be the President.

Maharashtra Co-operative Tribunal.—The Maharashtra Co-operative Societies Rules 1961 provide that the President of the Tribunal shall be a person who has been a Judge of any High Court in India or is a retired District Judge, or a person who has for not less than ten years been an advocate or a pleader, or who has held the office of the Registrar or Joint Registrar of Co-operative Societies for not less than three years under any State Government in India. The other members of the Tribunal shall be non-officials closely associated with the co-operative movement, at least one of them being a person who has been an advocate or a pleader for not less than ten years.

The Industrial Court.—The recruitment rule prescribed by Government for the post of Member, Industrial Court provides that the appointment shall be made either (*a*) by re-employment of a retired High Court or District Judge, or (*b*) by promotion of a suitable judge of a Labour Court, or (*c*) by transfer of a suitable officer from the cadre of District Judges, or (*d*) from among Adjudicators (Industrial Tribunals) appointed under the Industrial Disputes Act, 1947, or (*e*) by nomination, provided that no person shall be eligible for appointment by promotion or by transfer unless he satisfies the requirement of section 10 of the Bombay Industrial Relations Act, 1946 (namely, that he is eligible for being appointed as a Judge of a High Court).

To be eligible for nomination, the candidate should have for at least ten years either held a judicial post in India or been

an Advocate of a High Court or have expert knowledge of industrial matters. One of the members of the Industrial Court shall be its President.

Industrial Tribunal.—Section 7 (*a*) of the Industrial Disputes Act, 1947 which provides for the appointment of Industrial Tribunals (each consisting of one person only) prescribes that a person shall not be qualified for appointment as the presiding officer of the Tribunal unless he (*a*) is or has been a Judge of a High Court or a District Judge or a person qualified for appointment as a Judge of a High Court, or (*b*) has for not less than three years been a District Judge or an Additional District Judge, or (*c*) has held the office of the Chairman or any other member of the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950 or of any Tribunal for a period of not less than two years.

Labour Courts.—Rule 9 of the Bombay Industrial Relations Rules, 1947 provides that a person shall not be eligible to be appointed to preside over a Labour Court unless he is or has been an officer from the Judicial Service in the State and satisfies the qualifications prescribed for the service.

Section 7 of the Industrial Disputes Act, 1947 provides that a person shall not be qualified for appointment as the presiding officer of a Labour Court unless (*a*) he is or has been a Judge of a High Court, or (*b*) he has for not less than three years been a District Judge or an Additional District Judge, or (*c*) he has held the office of Chairman or any other member of the Labour Appellate Tribunal or any Tribunal for not less than two years, or (*d*) he has held any judicial office in India for not less than seven years or has been the presiding officer of a Labour Court constituted under any State Act for not less than five years.

Motor Accidents Claims Tribunal.—Section [illegible] of the Motor Vehicles Act, 1939 provides that a person shall not be qualified for appointment as a member of a Claims Tribunal unless he (*a*) is or has been a Judge of a High Court, or [illegible] has been a District Judge, or (c) is qualified for appointment as a Judge of a High Court.

Nominations to the Tribunals

46.13. While on paper the qualifications [illegible] rily those for a High Court Judge or for a District Judge [illegible] no provision in the rules for [illegible] of selection by [illegible]

and the integrity of the persons possessing the requisite qualifications nor has any procedure of consultation with the High Court or the Advocate General or the Remembrancer of Legal Affairs developed by convention or practice. In result, appointments are sometimes made of persons who are totally unfit and unsuitable to function as tribunals having the last word on questions of fact. It is understood that in one case, a Bar Association passed a resolution that it would not co-operate with the tribunal so long as certain members who were totally incompetent and were appointed to such tribunals continued to function. One of the members in respect of whom such a resolution was passed, was transferred to another Division, and another was persuaded to resign rather than face an enquiry. It is also noticed that a President of a tribunal entered into controversy over the performance of the tribunal in newspaper articles. There are also instances of persons in their seventies or approaching seventies having been appointed or continued as Presidents or members of tribunals. There are innumerable cases where superannuated revenue and judicial officials are appointed to some tribunals. The age of superannuation is generally fixed taking into account the possibility of making the optimum use of personnel having regard to the general effect of age on mental and physical capabilities. If it is not to be supposed that the mental and physical capacities required of Presidents and members of tribunals are less than those of executive, judicial and secretariat officials, it is less than fair to the tribunals (and even to the members if regard be had to the duties and responsibilities and not merely to the office or its emoluments) that superannuated officers generally should be appointed to such posts. In the case of those who have rendered distinguished service, there are other ways open to Government to reward them for the same. As for retired High Court Judges who consider themselves physically and mentally fit, several of them recently have shown the way in which they can usefully employ themselves—"Delhi Chalo". I, therefore, recommend that superannuated persons should not be appointed to the tribunals.

The Sales Tax Tribunal

46.14. As stated earlier, the rules relating to the Sales Tax Tribunal contain provision for appointment of a Chartered Accountant or a person with knowledge and experience in Accounting or a person with special knowledge of, or experience in, commerce and industry. The views of Chartered Accountants or experienced Accountants may be useful in cases involving intrica-

cies of accounting, but such Accountants should work as assessors rather than as full-fledged members Our entire system of administration of justice is based on the principle that the judge must decide the more intricate points arising in the matter before him. In the ordinary administration of justice, a doctor, an engineer, an architect or a lawyer does not take up adjudication either singly or with a Judge on the plea that he has special knowledge in his field. With regard to such special knowledge it is best used through the medium of expert witnesses.

46.15. A curious feature of the Sales Tax Tribunal is that, after an amendment of section 21 of the Sales Tax Act, 1959 carried out in 1964, even an Accountant member sitting singly can dispose of the appeals, revision applications and other references before the tribunal. From the point of view of public interest, drafting a Chartered Accountant to sit on the tribunal in such cases for a period, while his firm continues in practice and/or he is allowed to go back to practice after his term is over, is wholly vicious.

46.16. With regard to the Sales Tax Tribunal, the vested interests which are vocal create a certain amount of noise alleging that the tribunal is partial towards the administration. Such fears or insinuations are misplaced because the High Court can intervene within its supervisory jurisdiction and the Supreme Court can intervene on appeal by its special leave. The danger on the contrary is that the tribunal may, to achieve cheap popularity or to ward off criticism from vocal vested interests, be indulgent to tax evaders at the expense of the exchequer.

The Divisional Commissioners and the Revenue Tribunal

46.17. The Divisional Commissioners have been appointed as official members of the Maharashtra Revenue Tribunal. Recently at the suggestion of the Tribunal and its members, Government has issued instructions that the Commissioners should sit with the Tribunal whenever cases under the Land Ceilings Act are taken up for disposal by the Tribunal. The policy of Government is reflected in the Act and the subordinate legislation thereunder. The policy which is not so reflected is extraneous to the consideration of the matter in quasi-judicial proceedings. The utility of associating Commissioners with the Tribunal is to be questioned. It detracts from the Tribunal as a quasi-judicial body applying its independent mind to the issues before it. Besides, if the Commissioners are required to sit with the Tribunal in such cases, to that extent they would not be available for the legitimate work xe

implementation and supervision, etc. of Government policy and administration in the Division.

46.18. The difficulty of implementing Government's instructions is evident from the Order No. MRT/J/17/1968, dated the 8th October 1968 issued by the President, Maharashtra Revenue Tribunal, which directs that (i) the Designated Member for each Regional Bench may himself hear a Ceiling Appeal for Preliminary Hearing against a declaration under section 21 of the Ceiling Act and dismiss it summarily without placing it before the Division Bench consisting of the Commissioner; (ii) if the Commissioner's presence is not likely to be available for a considerable time without detriment to his other duties, the Designated Member or other Members (where the Division Bench consists of more than two Members) may proceed to hear the appeal and dispose it of, sending a copy of the order to the Commissioner and to the Secretary, Revenue and Forests Department; (iii) if during the hearing of a Ceiling Appeal in the absence of the Commissioner, the other Member of the Division Bench considers that an important question of law is involved, a fresh date of hearing should be fixed in consultation with the Commissioner, etc. The number of appeals under the Land Ceilings Act pending before the Maharashtra Revenue Tribunal at the end of 1969 was as follows:

	No. of appeals pending
Nagpur Division	113
Aurangabad Division	107
Bombay Division	55
Poona Division	134
Total ...	409

If the appeals are to be disposed of expeditiously, the normal administrative and executive duties of the Commissioners which are sufficiently onerous and exacting for full time attention are bound to suffer. To avoid such a contingency it may become necessary to appoint a whole-time Additional Commissioner or Assistant Commissioner with the requisite powers of Commissioner for a period in each of the Nagpur, Aurangabad and Poona Divisions to sit with the Revenue Tribunal. The best course would be not to appoint the Divisional Commissioners as members of the Tribunal.

Proposed change in the Composition of Tribunals

46.19. If the rule of law is to prevail, it seems very necessary to ensure that persons appointed to tribunals which displace the civil courts should possess a high degree of competence and should be able to hold their office with dignity. They should command respect no less than the courts they seek to displace. It is necessary to inculcate and develop to the fullest extent judicial discipline and discretion among the members of such tribunals. In order that proper persons are appointed and the administration of justice through tribunals is not reduced to disappointment, it may be worthwhile for the Executive to follow conventions whereby appointments to such tribunals are made not only in consultation with but with the concurrence of the Chief Justice of the Bombay High Court. Perhaps the best arrangement would be to treat the posts of Presidents and Members of the various tribunals as equivalent to posts in the Judicial Service; each such post could be equated having due regard to its responsibility. The posts could be treated as additions to the permanent cadre of the posts with which they are equated. If the High Court is more actively associated with these appointments as suggested, with the responsibility therefor which would be attached, transfers on deputation from the usual judicial posts would receive more adequate consideration with regard to the suitability of the persons appointed than may be reasonable to expect when the High Court is only called upon to suggest some names as in the case of some appointments to tribunals at present, when service on a tribunal is not part of the cadre service. It would be useful to give the persons selected for such appointment a proper course in orientation in the social interests involved as referred to by Dr. Robson, who has been quoted earlier, and in the need to subordinate indulgence to the tax evaders at the cost of the wider public interest of the exchequer.

46.20. The question of continued performance of work in terms of disposals, efficient methods of working and in terms of quality is quite as important. Today, some of the tribunals submit returns to Government. In some departments these returns are filed. In others, they are examined perfunctorily at junior level and some routine remarks of a repetitive nature are communicated from time to time. The accompanying statement (Annexure [illegible]), indicates the receipts and disposals by each tribunal during the three years [illegible] to [illegible] and the disposals per member of the tribunal [illegible] average disposal of the Tribunals other than [illegible] varies from 21 to 55. Some of the tribunals [illegible]

of record but only hear matters in revision or appeal, e.g., the Co-operative Tribunal, the Revenue Tribunal and the Sales Tax Tribunal. In the case of such tribunals, it would not be unreasonable to expect a disposal of 70 to 80 per member/Board per month. In the case of the Industrial Tribunal which hears original references, this tribunal is not bound by the procedural technicalities which bind the civil courts. Ordinarily claims are filed before it by rival parties supported by affidavits. In some cases there may be a rejoinder and in a few more, a sur-rejoinder. Thereafter the matter is disposed of on the basis of arguments. If the tribunal is keen on expeditious disposal it could well do so. There is little justification for disposal dragging on for years. There have been instances where tribunals have completed the hearings in disputed matters (and sometimes at the end of the hearing even indicated their decisions) and announced that judgments would follow. Such judgments have not seen the light of the day for months together. By the time they are recorded, the member hearing the matter would have lost whatever impressions he had when he heard the matter. In one case, it is understood, the President of a Tribunal had to order a re-hearing of the matter after two years because the Tribunal Member had forgotten all about the matter with the lapse of time. The Civil Courts submit periodical returns and their work is scrutinised in the High Court by the Administrative Judge, both on the basis of these returns and of scrutiny of their judgments and periodical inspections of the Courts. It is very necessary that a similar system of inspection and supervision over all the tribunals exercising adjudication of disputes should be established.

46.21. Under Article 227 of the Constitution, the superintendence over all Tribunals within its territory is entrusted to the High Court. So far this superintendence is exercised only spasmodically when reviewing Orders of the Tribunals canvassed before the High Court by aggrieved parties in Writ Petitions. In view of the specific provision in the Constitution, I am advised that it would not be competent for Government to set up other machinery for superintendence. In my view it is very desirable that the day to day working of the Tribunals should come in for the same degree and quality of supervision by the High Court as it now exercises over the Courts. I presume that if an Additional Registrar with the complementary staff is allowed, the High Court could be persuaded to undertake this task.

46.22. The aforesaid proposals are suggested to ensure that justice by the Tribunals in spheres from which the Law Courts are

excluded is not justice of a lower class than that administered by the Courts. As in the case of my proposals for the Law Courts, I have not discussed my proposals with regard to the Tribunals formally with the High Court because they raise issues on which a prior policy decision by Government is necessary before a useful dialogue with the High Court can start.

ANNEXURE 31

(*Vide* para. 46.6)

Statement

Applications under the:	1966	1967	1968
1. Workmen's Compensation Act—			
Receipts	1,159	1,298	1,164
Disposals	1,083	1,257	1,229
Arrears	577	618	553
2. Payment of Wages Act—			
Receipts	4,890	4,309	5,112
Disposals	5,589	5,403	5,091
Arrears	4,621	3,527	3,548
3. Minimum Wages Act—			
Receipts	39	1	7
Disposals	20	5	7
Arrears	30	26	26
4. Employees' State Insurance Act—			
Receipts	757	406	175
Disposals	370	362	249
Arrears	911	955	881
5. The Bombay Labour Welfare Fund Act—			
Receipts	349	318	203
Disposals	341	243	282
Arrears	33	108	29

ANNEXURE 32

(*Vide* para. 46.20)

Statement

Year		Institutions	Disposals	No. of Benches including Single Member Benches	Monthly average disposal per Bench
1		2	3	4	5
Maharashtra Revenue Tribunal					
1966	..	5,687	5,835	13	44
1967	..	5,035	5,465	13	34
1968	..	5,850	4,885	13	31
Maharashtra Sales Tax Tribunal					
1966	..	2,051	2,617	4+1 (For four mths.)	52
1967	..	1,978	2,084	4+1 (For nine mths.)	36
1968	..	1,663	1,535	3	43
Maharashtra Co-operative Tribunal					
1966	..	474	426	1	36
1967	..	431	356	1	30
1968	..	572	360	1	30
Motor Accidents Claims Tribunal					
1966	..	1,716	1,066	1	89
1967	..	1,781	1,140	1	95
1968	..	1,900	1,007	1	84
Bombay Industrial Court					
1966	..	1,169	1,098	4	23
1967	..	2,232	1,443	4	31
1968	..	2,075	1,582	4	33
Industrial Court, Nagpur					
1966	..	298	554	1	94
1967	..	372	249	1	26
1968	..	388	347	1	21

ANNEXURE 32—*contd.*

Year	Institutions	Disposals	No. of Benches including Single Member Benches	Monthly average disposal per Bench
1	2	3	4	5
Labour Court, Bombay				
1966 ..	1,186	3,120	2	130
1967 ..	1,077	1,698	2	71
1968 ..	1,396	1,638	3	45
Labour Court, Poona				
1966 ..	1,119	624	1	52
1967 ..	1,400	1,463	1	122
1968 ..	1,024	881	1	73
Labour Court, Nagpur				
1966	8,743	3,883	2	162
1967	2,639	7,229	2	301
1968	3,611	1,384	2	58
Labour Court, Kolhapur (From 1st July 1968)				
1966	....	....	....	....
1967	....	....	....	....
1968	411	53	1	4

PART VII

RETRENCHMENT, TERMINAL BENEFITS AND PLACEMENT

CHAPTER 47

RETRENCHMENT, TERMINAL BENEFITS AND PLACEMENT

47.1. In Government Resolution, General Administration Department, No. EST-1268 (Officers)/K, dated the 12th June 1968, setting up the present enquiry, it is stated that the main accent and emphasis of such an enquiry should be on reducing the size of the administrative machine in such a manner that, on the one hand, it would eliminate wasteful expenditure and raise administrative efficiency at all levels, and on the other hand, bring about "retrenchment without tears", by suggesting ways and means of redeploying surplus personnel in vacancies which may arise in the reduced administrative set-up over a period of time. The enquiry has been instituted with the following terms of reference :

(a) to examine the existing staff/strength in each Government department and office at the State, Divisional and District level in relation to their existing workload ;

(b) to establish the minimum staff necessary for these departments and offices to carry out their assigned responsibilities and functions effectively and efficiently ;

(c) in the light of a comparative analysis and review under (a) and (b), to determine the surplus staff, if any, and to prepare detailed lists of surplus posts and surplus staff in each department and office ;

(d) to indicate the period over which the surplus category of posts could be eliminated, by holding in abeyance vacancies as they arise in this category, without new recruitment to fill them ; and

(e) to advise on the establishment of machinery and procedure to ensure that the personnel on the surplus lists is deployed in the vacancies which may arise in administrative set-up over a specified per

47.2. The terms of reference (*a*) and (*b*) have been dealt with in the earlier parts of this report. In this part I shall deal with the terms of reference (*c*), (*d*) and (*e*).

47.3. At the outset, I may be permitted to point out, in all humility, that the task of achieving "retrenchment without tears" set for me is not easier of achievement than that which Portia set Shylock, namely, to get his pound of flesh without shedding a drop of blood. I would not deny that in theory, as Shri V. V. Giri, then Minister of Labour in the Union Cabinet, pointed out when piloting the Industrial Disputes (Amendment) Bill in Parliament in November 1953, "retrenchment can be avoided by having a plan of action extending over a period of five or ten years. If you begin to think how to prevent retrenchment, retrenchment will never occur. You may have a long drawn out programme, and try to see how to absorb the people, or you may not fill up new vacancies and so on and so forth. So, there are so many ways of not effecting retrenchment" Shri Giri was, however, speaking in the context of the Industrial employment. It would be outside the scope of the present enquiry to consider how far the observations of Shri Giri are relevant or practical in that sphere. But I submit, with respect, that in the sphere of Public Administration it may not be feasible to ensure that the new activities taken up from time to time in the State Sector or in the Panchayati Raj Sector or in the Sector of Statutory Corporations and Universities are synchronised with the closing down of activities which are surplus or no longer necessary. Postponemènt of retrenchment of posts clearly found surplus until new posts can be found and offered to the persons holding these surplus posts would, to the extent that such posts cannot be readily offered, imply the continuance in the administration of persons for whom there is no work. Such continuance of persons with no work or not enough work to do is not only demoralising to the persons themselves but demoralises the entire atmosphere of work in the offices where persons with no work are allowed to continue at the posts. If the object is only to ensure that the persons for whom there is no work do not suffer until suitable alternative work is found for them, it would be far more appropriate to allow such persons to draw their emoluments while sitting at home rather than to continue their posts in the offices and to allow them to attend office with no work to do. Even this alternative while ensuring that the person for whom there is no work sheds no tears does not take into account the burden on the tax-payer. The person facing retrenchment can be seen and his tears raise compassion. The tax-payer is unseen and so therefore are his tears; but his groans with each extra straw on his back are not inaudible to the alert.

47.4. The question of finding alternative employment for persons facing retrenchment in Government service is somewhat complicated. Under Article 310 of the Constitution of India, the tenure of office of a person holding a civil post under a State is during the pleasure of the Governor of the State. But traditionally, security has been synonymous in the country with Government service. So also a certain status is attached to service under Government. Retrenchment from Government service, therefore, assumes a more serious colour than retrenchment from the service of a private employer. When it comes to alternative employment under Government for a retrenched person, practical difficulties arise from the fact that there is a great deal of stratification of Government service. While in theory Government is the common employer, in practice, the employment is under different departments and is spread over functionally as between the Sachivalaya and the executive departments and territorially in different parts of the State. The pay-scales, prestige, etc. attached to employment at different levels, namely, local, district, regional, State level and the Sachivalaya progressively mark out the employees as belonging to different strata. With the devolution of powers and functions by the State to the Panchayati Raj institutions and to Statutory Corporations and Universities like the Agricultural Universities, as against posts rendered surplus in the State Sector, there may be need for posts in the sectors to which the functions and powers are devolved. But these latter sectors may not consider all the Government servants previously attending to these functions to be suitable for their requirements. Pay-scales and general conditions of service may be different. The employees too with their superstitious attachment for Government service may be none too willing to have their services transferred from Government to these other institutions. In such cases, therefore, curtailment of activities and functions in the State Sector by the transfer of such activities and functions to other agencies should ordinarily result in retrenchment of posts in the State Sector. The Maharashtra Agricultural University (*Krishi Vidyapeeth*) Act, 1967 and the Punjabrao Agricultural University (*Krishi Vidyapeeth*) Act, 1968 contain provisions giving the option to a Government servant transferred to these Universities to revert to Government service and therefore he is permitted to revert to the service on the same terms and conditions of service as were applicable to him immediately before he was so transferred. But unless work suited to the qualifications of the reverting p
is available under the State Government on the
conditions of the post previously held by him.

the services of the person would be utilised on his reversion. It seems to me that it could not have been contemplated that such a person would be carried indefinitely in the State service with either no work or work rated differently. When work of equivalent responsibility is not available, Government may have little option but to retrench the person. When such work is already being done by another person, it may be that the reverting person could be accommodated by retrenching the other person. But retrenchment of one or another person seems inescapable.

47.5. It would be useful at this stage to examine the nature of retrenchment compensation available to retrenched persons under the normal operation of the rules as also certain extra concessions sanctioned from time to time for retrenchment on different occasions.

(*a*) The concessions available under the normal operation of the rules are those under Rule 266 of the Bombay Civil Services Rules and in Appendix XIV-F to the same Rules. Under Rule 266 of the Bombay Civil Services Rules, the following concessions are available :

(i) A permanent Government servant selected for discharge owing to the abolition of his permanent post has, unless he is appointed to another equivalent post, the option of taking a compensation pension or gratuity, or accepting a lower appointment. The scale of compensation pension/gratuity is indicated in BCSR 290 (There are similar provisions in the Civil Service Regulations applicable to the Central Government employees). However, the position under the Revised Pension Rules, 1950, as amended from time to time is as follows. A permanent Government servant gets a superannuation, invalid or compensation gratuity or pension according to the scale indicated in the Annexure to Government Resolution, Finance Department, No. PEN. 1063/2639/X, dated the 7th December 1965. If the permanent employee has less than 10 years' service, he gets only gratuity and no pension. The amount of pension admissible for a service of 10 years and over up to 29½ years of qualifying service bears the same proportion to the full pension of 30/80 of pensionable pay as the number of completed six-monthly periods of qualifying service bears to 60.

(ii) In addition to the pension or gratuity referred to above, a permanent Government servant who has completed five years' qualifying service is granted a death-*cum*-retirement gratuity

equal to ¼th of his pay for such completed six-monthly period of qualifying service, subject to a maximum of 15 times the pay (with a ceiling of Rs. 24,000) and, in the event of the Government servant's death while in service, subject to a minimum of 12 times the pay.

(*b*) Appendix XIV-F was added to the Bombay Civil Services Rules in 1963. Under this Appendix the following terminal benefits are admissible to temporary employees who retire on superannuation or are discharged on account of retrenchment or declared invalid for further service :

(i) Terminal gratuity at 1/3 of a month's pay for each completed year of service, provided they had completed not less than five years' continuous service.

(ii) Death gratuity to the family of a temporary Government servant who dies after completion of one year's service, the maximum being three month's pay or the amount of terminal gratuity mentioned at (i) above, whichever is greater.

The above gratuity is subject to adjustment against gratuity that may be admissible under the Industrial Disputes Act or under a Contributory Provident Fund scheme.

No general provision regarding terminal leave for temporary Government employees has been made in the Leave Rules on the lines of the provision for gratuity referred to. Note 2 (ii) below rule 11 of the Revised Leave Rules in Appendix XLIV-A to the Bombay Civil Services Rules merely provides that "whenever any large-scale retrenchment takes place the question of retrenchment concessions such as terminal leave may be examined on merits at that time".

47.6. The retrenchment concessions sanctioned by Government from time to time in the past are briefly indicated below:

(*a*) Concessions granted at the time of the 1950-51 retrenchment (*vide* Shri Mathrani's Report):

The following concessions were granted in 1950 to employees on pay not exceeding Rs. 1,000 p.m.:

(i) All earned leave to the credit of the employee on the eve of discharge.

(ii) Gratuity at 2/3rds of a month's pay for each completed year of service if pay did not exceed Rs. 180 p.m. and at half a month's pay for each completed year of service (subject to a minimum of Rs. 120) if pay exceeded Rs. 180 p.m.

(iii) An absorption machinery was also set up and age limit relaxed in the case of those who were within the prescribed age limit at the time of their first entry into Government service.

(*b*) Concessions granted to those retrenched from the Excise Department on the introduction of Prohibition :

Most of the employees of the Excise Department were absorbed in other Departments, mainly in the Police Department, on the introduction of Prohibition in 1949. Very few were actually discharged and those who were discharged were given the retrenchment concessions sanctioned in connection with the retrenchment campaign of 1950-51.

There was further retrenchment in the Excise Department in 1952 and 1957. The persons retrenched were absorbed in other Departments where their pay was fixed in accordance with the principles of the Allocated Government Servants' Rules, 1957 and they were allowed seniority generally on the basis of equivalent service rendered in the Excise Department (*vide* Government Resolution, Home Department, No. EST-2161/11116-III, dated 27th July 1964).

(*c*) Retrenchment concessions granted to the temporary employees working in the former Civil Supplies Department who were discharged on the relaxation of controls :

The terminal benefits and concessions relating to alternative employment granted to the ex-Civil Supplies Department employees included the following :

(i) A month's notice or pay in lieu thereof.

(ii) All earned leave to the employee's credit.

(iii) Gratuity equal to ½ month's pay for each completed year of service, if pay did not exceed Rs. 180 p.m. and equal to 3/8 of a month's pay for each completed year of service, if pay exceeded Rs. 180 p.m., subject to completion of a minimum of five years' continuous service in the Civil Supplies Department and a ceiling of 5 months' pay or Rs. 1,500, whichever was less.

The gratuity was liable to be refunded if the employee was re-employed under Government or the specified Corporations, Boards, etc. within three months of the date of expiry of notice period/terminal leave.

(iv) Pension—Continuous ex-CSD service followed by confirmation counts in full for pension. Breaks in service not exceeding three years can also be condoned and previous service counted in full for pension provided the employee refunds the terminal gratuity within three months from the date of condonation of the break.

(v) Alternative employment—A scheme of alternative employment was introduced and relaxation of age limit was allowed for purposes of re-employment. In fixation of pay on re-employment, one advance increment for every three completed years of service was given. No benefit of the past service was given for seniority.

(d) Premature Retirement Concessions granted in 1956 owing to the reorganisation of States:

In order to mitigate the hardship that might be caused to Class III and Class IV Government servants owing to the transfers made in connection with the reorganisation of States, The (Reorganisation of States) Premature Retirement Rules were issued in November 1956. The salient provisions of these Rules were as follows:

(i) A Government servant permitted to retire under these rules was granted all leave due to him subject to a maximum of 120 days or four months, as the case may be.

(ii) For the purpose of computing pension or gratuity of Government servants permitted to retire under these rules, an addition was made to the period counting for pension and/or gratuity equal to one-fifth thereof.

(iii) A permanent Government servant who had rendered the minimum service/duty required to earn the pension, after adding one-fifth to the period counting for pension, was given pension and/or gratuity as admissible under the rules applicable to him, as if he [illegible] ng on superannuation.

(iv) A permanent Government servant who had not rendered the minimum service/duty required to earn a pension, under the rules applicable to him on 31st October 1956, even after adding one-fifth to the period counting for pension, was granted gratuity on the following scale :

Completed years of Qualifying Service	Amount of Gratuity
1 ...	... 1 month's pay.
2 ...	... 2 months' pay.
3 ...	... 3 months' pay.
4 ...	... 4 months' pay.
5 ...	... 4¾ months' pay.
6 ...	... 5½ months' pay.
7 ...	... 6¼ months' pay.
8 ...	... 7 months' pay.
9 ...	... 7¾ months' pay.

(v) A temporary Government servant permitted to retire under the rules was given gratuity equal to half a month's pay for each completed year of service if his pay did not exceed Rs. 180 per month or three-eighths of a month's pay for each completed year of service if the pay exceeded Rs. 180 per month, subject to a ceiling of five months' pay or Rs. 1,500 whichever was less.

(*e*) Premature Retirement Concessions granted in 1960 in connection with the bifurcation of the bilingual Bombay State :

The (Maharashtra and Gujarat) Premature Retirement Rules, 1960 applied to all Class III and Class IV Government servants of the Bombay State who were not transferable throughout the State and who were essentially allocable to one of the new States of Maharashtra or Gujarat *but* were allotted to the other State. As in the rules of 1956, Government servants permitted to retire under these rules were granted all leave due subject to a maximum of 120 days (or four months) and were allowed an addition of one-fifth to the period counting for pension and/or gratuity. The only difference was, however, in respect of gratuity admissible to permanent Government servants who had not rendered the minimum service/duty required to earn a pension even after adding one-fifth to the period counting for pension and to temporary Government servants. The former were granted a gratuity at a flat rate of half a month's pay for every completed year of service,

and the latter were granted gratuity at quarter of a month's pay for each completed year of service subject to a ceiling of five months' pay or Rs. 1,500 whichever was less.

(*f*) Concessions granted in 1965 :—A reduction of 7% in non-supervisory clerical staff and Class IV staff and 3 % in supervisory clerical staff was ordered in October 1965. In order to assist the persons discharged as a result of these orders, Government sanctioned a scheme for re-employment of the retrenched personnel under which they were given concessions by way of relaxation of age limit provided they were within the age limit at the time of their last appointment. The break in service was also condoned for the limited purpose of pension and gratuity (in case they were later absorbed in permanent posts). The terminal benefits referred to in sub-paragraphs (i) and (ii) of paragraph 47.5 (*b*) were also admissible to them.

(*g*) Compensation to family planning workers —In 1967, Government decided to abolish the cadres of extension educators/social workers and male field workers under the family planning programme. In addition to notice of termination of service, compensation was paid at 15 days' average pay for every completed year of service or any part thereof in excess of six months, to those who were retrenched from Government service and who could not be absorbed in any other office under Government or Zilla Parishads. The rate of compensation, it may be noted, was more liberal than that provided for in Appendix XIV-F to the Bombay Civil Services Rules.

47.7. The following points are worth noting in regard to the concessions granted by Government from time to time:

(*a*) Those who were retrenched from service and are not later absorbed under Government get no benefit of their temporary service under Government for pension.

(*b*) Gratuity is calculated under the general terminal benefits sanctioned in Appendix XIV-F on the basis of basic pay (and dearness pay where admissible). It does not take into account special pay, dearness allowance, house rent allowance and other emoluments which an employee may have been drawing before termination of his services.

(*c*) No general provision is made in the leave rules regard the grant of earned leave to the credit of the employ the date of termination of his services.

47.8. It would be useful to refer to the terminal benefits available to retrenched persons under the Government of India.

(a) The Government of India, in the Finance Ministry's Office Memorandum No. F-17(1)-EV(A)/60, dated the 11th July 1960, sanctioned terminal gratuity to temporary employees on the following basis :

> A temporary employee who retires on superannuation or is discharged on account of retrenchment or is declared invalid for further service, will be eligible for a gratuity at the rate of 1/3rd of a month's pay for each completed year of service, provided he had completed not less than 5 years' continuous service at the time of retirement/discharge/invalidment. 'Pay' for the purpose of this gratuity was defined to mean 'Basic Pay' and 'Dearness Pay' but not 'Special Pay', 'Personal Pay' and other emoluments classed as 'Pay'.

(b) These orders were further modified by the Office Memorandum, No. F. 4 (25)-EV (C)/63, dated the 22nd November 1965. Under the modified orders, the rate of gratuity for those who had rendered continuous service of not less than ten years was prescribed at one month's pay for each completed year of service, the gratuity to be calculated on the basis of the average of last twelve months' pay; and 'pay' for this purpose, to mean 'Pay' as defined in the Fundamental Rules. The maximum amount of gratuity was fixed under these orders at Rs. 12,000. The grant of gratuity under these orders was subject to the service rendered by the Government servant being held by the authority competent to appoint him to be satisfactory.

(c) The Government of India sanctioned a new scheme for the re-employment of staff rendered surplus as a result of introduction of administrative reforms or studies by Staff Inspection Unit, Ministry of Finance, in the Ministry of Home Affairs Office Memorandum No. F-3/27/65-CS-II, dated the 25th February 1966. Under this scheme all personnel identified as surplus is to be transferred to a Central Pool, to be operated as a special cell in the Ministry of Home Affairs. This cell is charged with responsibility for arranging the placement of such staff elsewhere against fresh needs. The cell is also charged with working out and arranging programmes of retraining the surplus staff in skills like stenography, accountancy and so on, to facilitate their placement. The scheme provides that surplus staff transferred to the Central Pool is first given the option to retire voluntarily. As an incentive to such voluntary

retirement, the service qualifying for retiring benefits is enhanced by the addition of five years in all cases where the continuous service rendered is not less than 15 years. Such addition is subject to the qualification that the resultant length of service will in no case be more than the service the officer could have counted had he retired on the due date of superannuation. The retirement benefits in such cases are calculated in accordance with the existing rules after taking into account the additional years of service allowed. The option for voluntary retirement has to be availed of within two months by an individual transferred to the Central Pool. In the absence of an option, it is presumed that the individual does not volunteer to retire. Government servants in the Pool who have not opted for voluntary retirement under the scheme will be retrenched under the existing rules if they cannot be placed on alternative employment and/or are unwilling to undergo training for such alternative employment, but in such cases, they are not entitled to the concession available to those who have opted to retire voluntarily.

47.9. A reference to the position in the field of Industrial Employment as governed by Statute would not be out of place. Under the Industrial Employment (Standing Orders) Act, 1946 and the Model Standing Orders prescribed in the Schedule to the Bombay Industrial Employment (Standing Orders) Rules, 1959, a workman employed on clerical or supervisory work (excepting supervisors drawing more than Rs. 500 per month and managerial staff) is treated as a 'permanent workman' if he has been appointed on permanent basis or if his appointment has been confirmed in writing by the Manager or any other officer authorised in that behalf or if he has completed a probationary period of 3 months in the aggregate in the same or another clerical or supervisory post in the establishment, whether or not he may be acting in a supervisory post. A 'probationer' is defined as a workman who is employed to fill a permanent vacancy or post and who has not completed 3 months' service in the aggregate in a clerical or supervisory post in the establishment A 'temporary workman' is defined as a workman who has been appointed for a limited period for work which is of an essentially temporary nature, or who is employed temporarily as an additional workman in connection with temporary increase in work, etc. Though the definition of probationer refers to a 'permanent vacancy or post' and a separate category of 'temporary [illegible] is recognised, the distinction between temporary and [illegible] employees has been obliterated by subsequent [illegible]

The present position is that the employees who have worked continuously for 240 days are treated as permanent employees. For purposes of lay-off and retrenchment compensation, all employees who have worked continuously for 240 days are treated on an equal footing. There are also various Court decisions to the effect that even a temporary employee cannot be discharged without proper inquiry as in the case of permanent employees. The effect of these and similar provisions of the Law and Court decisions is, therefore, to place all workers who have worked for 240 days continuously on an equal footing whether they are called permanent or temporary.

47.10. Under section 25 (F) of the Industrial Disputes Act, 1947, no workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until the following conditions are fulfilled :

(*a*) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice :

Provided that no such notice shall be necessary, if the retrenchment is under an agreement which specifies a date for the termination of service ;

(*b*) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months ; and

(*c*) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette.

47.11. Section 25FF of the Industrial Disputes Act may also be referred to usefully since it relates to effect on employment on transfer of ownership or management of an undertaking. That section reads :

" Where the ownership or management of an undertaking is transferred whether by agreement or by operation of law, from the employer in relation to that undertaking to a new employer,

every workman who has been in continuous service for not less than one year in that undertaking immediately before such transfer shall be entitled to notice and compensation in accordance with the provisions of section 25F, as if the workman had been retrenched:

Provided that nothing in this section shall apply to a workman in any case where there has been a change of employers by *reason of the transfer, if*—

(*a*) the service of the workman has not been interrupted by *such transfer*;

(*b*) the terms and conditions of service applicable to the workman *after such transfer are not in any way less* favourable to the workman than those applicable to him immediately before the transfer; and

(c) the new employer is, under the terms of such transfer or otherwise, legally liable to pay to the workman, in the event of his retrenchment, compensation on the basis that his service has been continuous and has not been interrupted by the transfer."

47.12. "Retrenchment" for the purposes of the Industrial Disputes Act is defined as "the termination *by the employer of the service* of a workman for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

(*a*) voluntary retirement of the workman; or

(*b*) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or

(*c*) termination of the service of a workman on the ground of continued ill-health."

47.13. It will be seen that under legislation retrenchment in industrial employment covers a wider category of cases than retrenchment under the Bombay *Civil Services Rules*. Retrenchment under the Bombay Civil Services Rules is st-or concept. It refers to retrenchment of persons ari r retrenchment of posts. A large number of Gove

recruited and continued for long years against temporary posts. At the time of their recruitment they are appointed generally in posts pending further orders; alternatively the order of appointment mentions that the appointment is liable to be terminated without assigning any reason. Where such appointment is terminated clearly by way of penalty, the provisions of Article 311 of the Constitution of India may be attracted. But if the termination order is carefully worded to avoid any reference to penalty, the Government servant is not only left with no redress but may not get any terminal benefit at all though he may have put in several years' continuous service. It is necessary that in the matter of terminal benefits to such persons the position under Government should not be less liberal than that obtaining for industrial employment under the Industrial Disputes Act. It is recommended, therefore, that in framing general retrenchment concessions in the light of recommendations to follow, the term 'retrenchment' should be defined not merely to cover termination of service resulting from a reduction of a post, but also termination of service while the post continues for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action but excluding (*a*) voluntary retirement of the employee, (*b*) retirement of the employee on reaching the age of superannuation as may be provided for in the Pension Rules, and (*c*) termination of the service of the employee on the ground of continued ill-health. (The case for terminal benefits in the last mentioned case, namely, where termination is on the ground of continued ill-health, could be met by suitable modification in the rules regarding pensions including invalid pensions).

One consequence of the present post-oriented policy is that bills relating to emoluments of the staff are held up when the sanction has expired or the sanction is otherwise awaited. If a person has been asked to perform the duties of a post by a responsible authority and has in fact held the post and performed its duties, or when the sanction of a post has expired he has not been relieved therefrom but directed to continue to perfrom the duties of the post while sanction to its extension is being obtained, it is difficult to understand how the claim of the person to the emoluments of the post can be resisted or its consideration deferred. This aspect is ignored and much hardship is caused to the employees for want of receipt of emoluments on the plea that the Accounts or the Audit will not pass bills until the posts are formally sanctioned. Whereever persons have actually worked, *post-facto* sanction for the period that they have actually worked is inescapable. In all such

cases, on a certification by the Head of the Department that sanction to the post is being obtained, the Accounts Officer should be authorised to disburse payments. If this is done, a considerable amount of correspondence arising in such cases would be eliminated and at the same time the hardship caused to the person who has actually held the post and done the work and to his dependants for failure to pay him the emoluments, which hardship is by no means trivial, can be obviated.

47.14. The Pension and Leave Rules of Government discriminate between permanent and temporary Government servants These rules were framed in the long past when the number of temporary posts and the period for which temporary posts continued as temporary was comparatively small. In the present set-up when a large number of posts and persons continue as temporary for years together, these rules are out of date. In 1963, Government gave some terminal benefits to temporary employees retiring on superannuation or discharged on account of retrenchment or declared invalid for further service. These benefits listed in Appendix XIV-F to the Bombay Civil Services Rules have been referred to earlier. Similarly, under the Revised Leave Rules, temporary Government servants get leave on a lesser scale than permanent Government servants during the first year of service. The Gujarat Government has recently, by its Orders in Government of Gujarat, Finance Department, Resolution No. PEN-1066/4464-J. dated the 24th February 1966, liberalised the Pension Rules and extended the benefits admissible under the Revised Pension Rules of 1950 to purely temporary employees who may retire from Government service without confirmation in any permanent office. The salient features of these orders are as follows:

(i) All service, whether temporary or permanent, interrupted or continuous, shall be treated as qualifying service; the periods of breaks shall be omitted while working out aggregate service.

(ii) Extraordinary leave shall also be counted towards service qualifying for pension, subject to a limit of 36 months in all.

(iii) Pensionable pay has been defined as officiating or substantive pay, including special pay, personal pay and pay in respect of a tenure post, actually drawn during the last 36 mont

(iv) The maximum duration of continuous absence from duty at any time with or without leave should be reduced to two years.

(v) The power to sanction extraordinary leave beyond a period of four months at a time shall be reserved with Government in all cases of Government employees whether permanent or temporary.

47.15. In the light of the foregoing discussion, I recommend the following terminal benefits to all retrenched persons. If these concessions are uniformly applied to all persons placed in a similar situation, it would, thereafter, be unnecessary to consider separate retrenchment concessions each time for one reason or another retrenchment takes place in one department or another. The term 'retrenchment' should be defined broadly as proposed earlier in paragraph 47.13 and the concessions decided upon by Government in the light of these recommendations should be available to all retrenched persons covered by this definition.

(a) *Pension and gratuity.*—The Revised Pension Rules may be liberalised as indicated below and the same rules may be made applicable to temporary Government servants who are retrenched or invalided or who retire from Government service without confirmation in any permanent post.

(i) For those who have completed five years' service but have not completed ten years' service, pension may be granted in lieu of gratuity admissible at present as per column 2 in the Annexure (extract given in Annexure 33) to the Government Resolution dated 7th December 1965. The fraction of pensionable pay mentioned against the figure 20 in column 1 of the Annexure may be worked backwards down to 5/80th of pensionable pay for ten completed 6-monthly periods.

(ii) Those who have completed less than ten 6-monthly periods may be allowed gratuity at the rate of half a month's pay for each completed 6-monthly period. This involves increase in the gratuity mentioned against the figure 9 in column 1 of the Annexure from $4\frac{3}{8}$ to $4\frac{1}{2}$ months' pay.

(iii) All service, whether temporary or permanent, interrupted or continuous, may be treated as qualifying service; the periods of break may be omitted while working out aggregate service.

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(v) The maximum duration of continuous absence from duty at any time with or without leave should be two years.

(vi) The power to sanction extraordinary leave beyond a period of four months at a time may be reserved with Government in all cases of Government employees whether permanent or temporary.

(vii) The existing provisions regarding death-*cum*-retirement gratuity and family pension may be made applicable to all temporary Government servants.

(viii) The gratuity for Government servants who have rendered less than five years' service as well as the death-*cum*-retirement gratuity may be calculated on the basis of emoluments instead of on the basis of pay only as at present, the emoluments being defined as inclusive of pay of all kinds, dearness allowance, house rent allowance at the rate actually drawn or the monetary equivalent of rent-free quarters, if any provided for the Government servant, and compensatory local allowance but no other compensatory allowances.

(ix) In case a retrenched Government servant is re-employed within three months of the date of expiry of notice period or period of terminal leave, whichever is later, the gratuities referred to in (viii) above may be recovered from him in suitable instalments.

(b) *Notice.*—All temporary employees proposed to be retrenched should be eligible for one month's notice or pay and allowances in lieu of notice. The allowances will be the same as those proposed in sub-paragraph (viii) above for inclusion in the computation of emoluments for gratuity.

(c) *Terminal leave.*—All retrenched employees may be given earned leave to their credit at the time of retrenchment, by way of terminal leave. Where pay in lieu of notice is given, the terminal leave will run concurrently with the notice period. The necessary provision regarding terminal leave may be made in the Leave Rules in Appendix XLIV-A to the Bombay Civil Services Rules.

(d) *Relaxation of age limit.*—The age limit may be relaxed in the case of persons who were within age at the time of their last appointment and who register themselves with the Employment Exchanges. Provision for relaxation of age limits may be made under Rule 7 of the Bombay Civil Services (Classification and Recruitment) Rules.

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47.15. In the light of the foregoing discussion, I recommend the following terminal benefits to all retrenched persons. If these concessions are uniformly applied to all persons placed in a similar situation, it would, thereafter, be unnecessary to consider separate retrenchment concessions each time for one reason or another retrenchment takes place in one department or another. The term 'retrenchment' should be defined broadly as proposed earlier in paragraph 47.13 and the concessions decided upon by Government in the light of these recommendations should be available to all retrenched persons covered by this definition.

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(d) *Relaxation of age limit.*—The age limit may be relaxed in the case of persons who were within age at the time of their last appointment and who register themselves with the Employment Exchanges. Provision for relaxation of age limit may be made under Rule 7 of the Bombay Civil Services (Classification and Recruitment) Rules.

(e) *Condonation of break in service.*—Where the retrenched person is placed in alternative employment through the machinery of the Employment Exchange as recommended within the period determined by Government for priority for alternative employment in such cases, the breach of service that occurs may be condoned for the purposes of pension provided that the terminal gratuity received is refunded. Regarding the pension which has accrued during this period, if the intervening period is to be treated as of the nature of extraordinary leave without pay, the refund of the pension may also be made a condition. But this condition may cause acute hardship when the person has remained unemployed during the period. To meet such cases, rules could be framed to allow waiver of recovery of the pension during the period of unemployment in cases where the competent authority is satisfied that the person was unemployed.

(f) *Fixation of pay.*—On re-placement, if the absorption is on a similar pay scale as of the post last held, the pay may be fixed as last drawn with benefit of the previous service in the time-scale being given. Where the absorption is on a post in a lower scale of pay, the pay of the absorbed person in that scale may be fixed after allowing increments for the corresponding service in the higher scale and the difference between such pay and the pay last drawn may be allowed as personal pay to be absorbed in future increments.

(g) *Seniority.*—For purposes of seniority in the new post, the retrenched employees may be allowed to count the length of the previous service which is counted for fixation of initial pay as proposed in the preceding clause. Government may examine whether a statutory provision for the purpose under Article 309 of the Constitution would be necessary in order to obviate complaints of supersession or reduction in rank etc.

47.16. It would now be appropriate to revert to the terms of reference referred to in paragraph 47.2. As for the term of reference (c), it is submitted in all humility that it is not possible for this enquiry to deal with this term of reference. In paragraph 1 of the Government Resolution No. EST-1268 (Officers)/K, dated the 12th June 1968, instituting this enquiry, the objectives of the enquiry have been given. It will be seen therefrom that the task of the Commissioner is to make recommendations to Government regarding the size of the administrative machine. The enquiry has dealt with

the optimum size of the machine required for the different activities of the Government to the extent indicated in the very first chapter. The recommendations, if wholly accepted, may result in some increases in some categories in some departments as also some decreases in some categories in the same or other departments. The recommendations have to be considered by Government and it is for Government to take decisions thereon. Until and unless the decisions of Government on the recommendations are available, it is premature to determine the surplus staff resulting from the present review and to prepare detailed lists of surplus posts and surplus staff in each department and office.

47.17. Besides, a developing Administration does not stand still. In the time taken between submission of this report and the issue of orders of Government thereon, there may be substantial changes in the quantum of work which would materially distort the calculations on the basis of the present data. Moreover, the task of determining the persons who constitute the surplus staff is appropriately the function of the appointing authorities and the Heads of Departments concerned. It is, therefore, not possible at this stage to prepare detailed lists of surplus posts and surplus staff in each department and office.

47.18. With regard to the term of reference (d), namely, "to indicate the period over which the surplus category of posts could be eliminated, by holding in abeyance vacancies as they arise in this category without new recruitment to fill them", this again is an exercise which cannot be legitimately performed in the present enquiry. This term of reference is evidently concerned with the absorption of surplus persons. If I may say, with respect, for this purpose indication of the period over which the surplus category of posts could be eliminated would be futile. The period over which the surplus persons are absorbed would depend on the vacancies as and when they arise in the posts which are not considered surplus. These vacancies in a static administration would depend on wastages, resignations and promotions. If the calculations are required to be made, they could only be made in the light of the detailed data relating to each office and department by the Heads of Departments in consultation with the Heads of Offices. In a developing Administration, however, the period of absorption

would also depend on the rate at which new posts of similar categories are created to meet the expanding needs of development. This again is a coefficient which it is not possible to determine in the present enquiry. With regard to certain categories relating to work and functions transferred to Panchayati Raj institutions, Agricultural Universities and other statutory corporations and bodies, it is not likely that similar posts would again be created in the State Administration in which personnel which has become surplus as a result of the devolution of activities to other agencies could be absorbed in due course.

47.19. I have been asked to advise in term of reference (e) "on the establishment of machinery and procedure to ensure that the personnel on the surplus lists are deployed in the vacancies which may arise in the reduced administrative set-up over a specified period". Earlier I have referred to a Special Cell created in the Ministry of Home Affairs by the Government of India which operates a Central Pool to which all personnel identified as surplus as a result of introduction of administrative reforms or studies by Staff Inspection Unit, Ministry of Finance, is transferred. I have carefully considered whether similar machinery requires to be established or recommended. We already have the machinery of Employment Exchanges. Government has issued orders from time to time that, except when recruitment is made to posts on the recommendation of the Public Service Commission, all recruitment should be made from among persons recommended by the Employment Exchanges. In my view, the machinery of the Employment Exchanges can be fruitfully employed for dealing with the problem of offering alternative employment in Government to retrenched persons, whenever retrenchment is made on a scale which in the opinion of Government warrants special facilities to be given to the retrenched persons for placement in alternative employment. Consistently with the principle of rationalisation of administration, it would not be necessary to create separate duplicate machinery for dealing with the tasks which can be conveniently handled by an existing agency. In such cases the list of retrenched persons should be sent to the concerned Employment Exchange and the retrenched persons directed to get themselves registered with the Employment Exchange within a given period. Those retrenched persons who get themselves registered in the light of this directive

could then be deemed to have registered with the Employment Exchange from the date of their retrenchment. The Employment Exchanges could be ordered to give the desired priority in the matter of placement in vacancies arising with the State Government to such retrenched persons. To facilitate placement of such persons on the given priority, a particular colour card, say green, could be given to such persons. Government could also determine the period during which such persons would be eligible for this priority. It may not be desirable to allow this priority indefinitely, as such priority would be at the cost of younger people seeking employment on completion of their education. Perhaps, a period of two years would be sufficient.

M. N. HEBLE,
Commissioner,
(Administrative Reorganisation).

BOMBAY :
31st March, 1971.

ANNEXURE 33

[*Vide* paragraph 47.15 (*a*)]

Extract of Annexure to the Government Resolution, Finance Department, No. PEN. 1063/2639/X, dated the 7th December 1965, showing the existing scale of gratuity or pension

Completed six-monthly periods of qualifying service	Scale of gratuity or pension	Maximum pension (in Rs.) per annum
1	2	3
	(*a*) *Gratuity*	Rs.
1	½ Month's pay	
2	1 Month's pay	
3	1½ Months' pay	
4	2 Months' pay	
5	2½ Months' pay	
6	3 Months' pay	
7	3½ Months' pay	
8	4 Months' pay	
9	4⅜ Months' pay	
10	4¾ Months' pay	
11	5⅛ Months' pay	
12	5½ Months' pay	
13	5⅞ Months' pay	
14	6¼ Months' pay	
15	6⅝ Months' pay	
16	7 Months' pay	
17	7⅜ Months' pay	
18	7¾ Months' pay	
19	8⅛ Months' pay	
	(*b*) *Pension*	
20	10/80ths of Pensionable pay ..	2,700
21	10½/80ths of Pensionable pay ..	2,835
22	11/80ths of Pensionable pay ..	2,970
23	11½/80ths of Pensionable pay ..	3,105
24	12/80ths of Pensionable pay ..	3,240
*	*	*
*	*	*
*	*	*
6[illegible]	[illegible] of P[illegible] ..	[illegible]00

ADDENDUM

(*Vide* paragraph 3.1.)

Authorised English translation of the extracts from the speeches of the Minister for Irrigation and Power in the Maharashtra Legislative Council

"If those amongst us who desire improvement in office work ever care to pay a casual visit to Sachivalaya and see the sight there they will realise clearly as to how much work is done there and how much time of the employees is wasted outside. On seeing this sight an idea begins to lurk in the mind as to whether certain things should be got done compulsorily. As soon as the employees come to office at 10 O'clock in the morning they go to the hotel for tea and thereafter too the tea trays go up and down throughout the day. On seeing this one is bound to doubt whether these employees work in the office or take tea all the time in office. So if it is really decided to retain as much staff as is necessary for the disposal of work and retrench the rest, I think 50 per cent. of the existing staff will have to be retrenched."

* * *

"It would be somewhat presumptuous to say that work is done in the Sachivalaya. If the method of working followed by the employees in Sachivalaya is taken into account and if an attempt is made to keep an account of how many times they go out for tea right since their arrival in office till their departure and if one goes to the canteen one will find that a really needy person will not get any room in the canteen for the purpose of taking tea."

* * *

"The same scene is witnessed in the canteens situated near Sachivalaya. I can understand that a man feels like taking tea after working for three or four hours. But if we go there and see for ourselves we will notice how many times they (i.e. employees) take tea and how much time they waste on gossip. A man does need relaxation. He must go out for tea. Similarly he should get time for lunch also. In the afternoon one hour is taken for lunch as it is necessary for it and at 4 O'clock everyone goes out to take tea as a matter of right. But if it is considered as to how many tim
these things are done during the rest of the time and
long visitors who come for work have to wait we will not
a common man is waiting there and the only reply he gets

his case has not come to that employee's table. They try to pass on the papers and the work is done with the feeling that his (i.e. employee's) only concern about the papers is to transfer them from one table to the other. If work is done with this feeling there is certainly a need for improvement in the present situation. The speed of disposal of work should increase. The output of work should also increase. There is no westernised idea in this proposal as the Hon. member Shri Harris has said."

* * *

"I would say that there is no objection whatsoever if they attend office on all the seven days of the week. I do not think that there is any need to give even a day's holiday in a week. Yet we are giving it because there is an old custom to grant a holiday on Sundays. As a matter of fact I believe that this holiday is not necessary. I do not think that our Government employees exert themselves so much during the six days in a week that they get exhausted and are not able to feel refreshed to work again till they take rest for one day. I have seen people going out on holidays and coming back after the holidays are over in England. On other days if their office is to close at 5 O'clock they do not begin to gather up their papers even when there are five minutes to five. However, our employees do not begin their work till half an hour passes after they come to the office and start tying their files half an hour before the office closes."

* * *

"Of course I do not blame the employees for this. Several persons are responsible for this state of affairs. We too are responsible for it. Several factors in our society are responsible for it."

* * *

"If the employees have to travel a distance of 40 miles daily to attend their office in a place like Bombay and if as a result they have to waste two to two and half hours daily it will certainly affect the efficiency of their work. So an arrangement should be made to provide them houses as near (the place of work) as possible. Accordingly Government always tries to make houses available to Government employees. Of course it is not that this issue will be solved completely today only. But we are at least making positive efforts in that direction and are doing whatever is possible within the ambit of our financial condition to build houses.

Similarly a (duty) consciousness should arise among the Government employees. Everybody should try to put in maximum work and if at all a beginning is to be made in this respect, I think everybody should begin with himself. And if efforts are made with this point of view the present situation of work in Government offices is bound to improve."

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